

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

114

CIVIL WRIT PETITION NO.8397 OF 2019
DATE OF DECISION: MAY 01, 2019

Vinod Kumar

.....Petitioner

VERSUS

Chief Canals Officer, Panchkula and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Hakam Singh, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this court, impugning the order dated 24.12.2018 (Annexure P-2) passed by the Superintending Canal Officer, Bhakra Water Services, Sirsa and order dated 13.02.2019 (Annexure P-3) passed by the Chief Canal Officer, Bhakra Water Services, Irrigation and W.R. Department, Panchkula-respondent No.1.

It is the contention of learned counsel for the petitioner that the impugned orders are not in consonance with the provisions of the statute. He contends that in the year 2013, respondent No.3 had been granted the water course from the site, which is the subject matter and is at R.D.No.210. He further contends that the additional *naka*, which is being sought by respondent No.4 is not permissible in the light of the fact that respondent No.3, Budh Ram has got the *naka* in the year 2013. He, thus, contends that the orders passed by the Superintending Canal Officer, Sirsa, dated

24.12.2018 (Annexure P-2) and order passed by the Chief Canal Officer, Panchkula, dated 13.02.2019 (Annexure P-3) cannot sustain and deserve to be set-aside.

I have considered the submissions made by learned counsel for the petitioner but do not find myself in agreement with him as the Superintending Canal Officer has not only appreciated the facts but has also taken into consideration the legal provisions. While considering the order which has been passed in the year 2013, the water course AB has been found to be in existence since the year 2013 and, therefore, it is a temporary water course as defined in Section 2(12) of the Haryana Canal and Drainage Act, 1974. The assertion of the petitioner as also of respondent No.3 for a permanent restoration of the water course has been found to be without any basis. Therefore, the order being in consonance with the statute and the rules laid down therein cannot be faulted with.

In view of the above, the writ petition stands dismissed.

May 01, 2019
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No