

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH

131

CWP-10946-2019

Date of decision: 29.04.2019

RAM SARUP AND ANOTHER

...PETITIONERS

VS.

SUPERINTENDING CANAL OFFICER AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Peeush Gagneja , Advocate,
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 05.09.2012 (Annexure P-1) passed by the Divisional Canal Officer, Abohar Canal Division, Abohar-respondent No. 2 and the order dated 29.08.2018/13.03.2019 (Annexure P-2) passed by the Superintending Canal Officer, Ferozepur Canal, Circle Ferozepur-respondent No. 1, whereby on an application preferred by respondents No. 3 and 4 for restoration of the *Khal*, which is alleged to have been demolished by the petitioners, has been ordered to be restored, appeal against which preferred by the petitioners stands dismissed.

It is the contention of the learned counsel for the petitioners that the *Khal*, which is flowing, is to the land of respondents No. 3 and 4 and since they both are husband and wife, they are primarily working in connivance with each other. The canal, which is said to have been

demolished by the petitioners, in fact, did not exist and, therefore, the finding with regard to the same having been demolished, cannot sustain and deserves to be set aside.

I have considered the submissions made by the learned counsel for the petitioners and with his assistance, have gone through the records of the case.

A perusal of the impugned order would show that the Divisional Canal Officer had sought the report of the Zileadar Ilaqa and Sub-Divisional Officer and both these authorities have found that there was indeed a water course, which was demolished by the petitioners. Reference has also been made to an earlier order wherein a letter was sent by the Sub-Divisional Officer calling upon the petitioners not to raise any kind of obstruction about water course.

In the light of the said findings on facts and on the site visit, report submitted, the orders, as passed by the authorities, which have been impugned in the present writ petition, cannot be faulted with. The assertions made by the counsel for the petitioners, therefore, are rejected.

The writ petition being devoid of merit stands dismissed.

April 29, 2019

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No