

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

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**CIVIL WRIT PETITION NO.21546 OF 2017
DATE OF DECISION: MARCH 05, 2019**

Dhanno

.....Petitioner

VERSUS

Superintending Canal Officer, Kaithal and others

....Respondents

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

Present: Mr. Jagjeet Beriwal, Advocate for
Mr. Harish Nain, Advocate,
for the petitioner.

Mr. Pradeep Prakash Chahar, DAG, Haryana,
for the State.

Mr. R. N. Lohan, Advocate,
for respondent Nos.4 and 5.

AUGUSTINE GEORGE MASI, J. (ORAL)

In compliance with the order dated 14.01.2019 passed by this Court, status report has been filed by the Sub Divisional Canal Officer, Narwana. According to the said status report, due to the pendency of the writ petition, the orders passed by the authorities, restoring the temporary water course for a period of one year has not yet been implemented.

Perusal of the impugned orders would indicate that there is evidence to the effect that the water course has been dismantled. It is, however, asserted by the petitioner that the water course was running for the purpose of irrigation from tubewell water, which cannot be accepted in the

light of the *warabandi*, which has been found to be establishing the factum of water course getting water from the canal. The Sub Divisional Canal Officer as well as the Divisional Canal Officer inspected the spot and have found that the water course has been dismantled.

Therefore, in view of the above, the writ petition stands dismissed and the findings recorded by the authorities below in the impugned orders dated 24.03.2017 and 21.08.2017 (Annexures P-5 and P-7 respectively) are hereby upheld. The temporary water course is directed to be restored for a period of one year as per the orders passed by the authorities below.

March 05, 2019
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(AUGUSTINE GEORGE MASIH)
JUDGE

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