

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

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Civil Writ Petition No.37824 of 2018

Date of Decision: January 15th, 2019

Mithu Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Jagjit Gill, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 12/22.01.2015 (Annexure P-1) passed by Sub Divisional Canal Officer, Panjuana Water Services Sub-Division, Panjuana, order dated 30/31.03.2015 (Annexure P-2) passed by the Divisional Canal Officer, Sirsa Water Services Division, Sirsa, whereby the appeal preferred by the petitioner against the order referred to above, stands dismissed with further order dated 30.03.2016/21.04.2016 (Annexure P-3) passed by the Superintending Canal Officer, Bhakra Water Services Circle, Sirsa, whereby the further challenge to the order has been rejected.

2. It is the contention of learned counsel for the petitioner that the orders passed by the canal authorities, which have been impugned by the petitioner, are not sustainable in the light of the fact that the watercourse, if any, which has been restored, was running in the land of the petitioner with the consent of the parties. He further states that no compensation has been paid to the petitioner and, therefore, he was entitled to dismantling the same. He, thus, contends that the orders passed by the canal authorities deserve to be set aside.

3. I have considered the submissions made by learned counsel for the petitioner and with his assistance, have gone through the impugned orders.

4. It is an admitted position that there was indeed a watercourse running through the land of the petitioner, which has been dismantled by him. The said watercourse although may be, with the consent of the parties, has been running for quite a long time, the same could not have been demolished by the petitioner. The plea, as has been taken by the counsel for the petitioner with regard to the compensation, has never been raised before the authorities below and in any case, that cannot be now taken into consideration. The order as passed by the canal authorities, which have been impugned in the present writ petition, being based upon proper appreciation of the facts, do not call for any interference.

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

January 15th, 2019
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No