

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

Sr. No.117

**CM Nos.4112 & 4117-CWP-2020 in/and  
CWP-5113-2020  
DATE OF DECISION: March 12, 2020**

**DILBAGH SINGH**

**..PETITIONER**

**VERSUS**

**SUPERINTENDENT CANAL OFFICER, SIRHIND CIRCLE,  
DISTRICT LUDHIANA AND OTHERS**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. Jasdeep Singh, Advocate,  
for the applicant-petitioner.

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**SUDHIR MITTAL, J. (ORAL)**

**CM-4112-CWP-2020**

This is an application for placing on record site plan as  
Annexure P-6.

Application is allowed as prayed for. Annexure P-6 is taken on  
record.

**CM-4117-CWP-2020**

This application has been filed for fixing an actual date of  
hearing in the main case.

The main case was adjourned sine die vide order dated  
26.02.2020.

**CM Nos.4112 & 4117-CWP-2020 in/and  
CWP-5113-2020**

In the interest of justice, the application is allowed and the main case is taken up for hearing today itself.

**CWP-5113-2020**

On an application filed by respondent No.3, watercourse reflected by the alphabets 'A' & 'B' has been ordered to be restored by the Divisional Canal Officer. Appeal of the petitioner against the said order has been dismissed by the Superintending Canal Officer.

Learned counsel for the petitioner submits that the land of respondent No.3 is being irrigated through another source of water as is evident from warabandi (Annexure P-4) as well as the site plan (Annexure P-6). Thus, orders of the authorities below are erroneous and deserve to be set aside.

Existence of an alternative source of irrigation is no excuse for demolition of an existing watercourse. Both the authorities have found that the petitioner has demolished the existing watercourse 'AB' and learned counsel for the petitioner has not been able to demolish the said findings through any cogent evidence.

Accordingly, the writ petition has no merit and is dismissed.

**March 12, 2020**  
*Ankur*

**(SUDHIR MITTAL)**  
**JUDGE**

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether Reportable        | No  |