

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

Sr. No.112

CWP No.6656 of 2020

DATE OF DECISION: March 13, 2020

SANTOKH SINGH

..PETITIONER

VERSUS

**SUPERINTENDENT CANAL OFFICER, JANDIALA DIVISION,
UBDC, DISTRICT AMRITSAR AND OTHERS**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Bikramjit Singh Bajwa, Advocate,
for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The petitioner is aggrieved because on an application filed by respondent No.4, a demolished watercourse has been ordered to be restored.

2. Learned counsel for the petitioner submits that a similar application had been moved by respondent No.4 earlier which was rejected by the Divisional Canal Officer vide order dated 18.06.2010 on the ground that the land of respondent No.4 was being irrigated through an alternate source. Appeal filed by respondent No.4 was disposed of vide order dated 15.03.2011 on the basis of a compromise. Respondent No.4 once again filed an application for restoration in the year 2013 by concealing the earlier orders. Impugned orders have been passed without application of mind.

3. I have gone through the order of the Divisional Canal Officer as well as that of the Superintending Canal Officer. Both the authorities have

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concurrently returned a finding of fact that a running watercourse has been demolished. This finding of fact cannot be held to be perverse on the ground that earlier the parties had reached an amicable settlement. By virtue of the amicable settlement, the grievance of respondent No.4 had been redressed and it cannot stand in his way if the watercourse is demolished subsequently.

4. Thus, I do not find any merit in the writ petition and the same is dismissed.

March 13, 2020
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No