

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

Sr. No.121

**CWP No.7605 of 2021 (O&M)
Date of Decision : September 14, 2021**

Ram Phal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Dhaman Preet Singh Bajwa, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

CM No.6220-CWP-2021

This application has been filed for placing on record Annexure P-8 and for exemption from filing typed/certified copy thereof.

The application is allowed and Annexure P-8 is taken on record. Exemption prayed for is granted.

CWP-7605-2021

The petitioner has challenged order dated 07.01.2021 passed by the Sub-Divisional Canal Officer whereby revision filed by the private respondents has been allowed.

The private respondents had sought restoration of a demolished watercourse but the application was rejected. Their appeal was also rejected by the Divisional Canal Officer. Revision filed before the Superintending Canal Officer has, however, succeeded.

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A perusal of the order dated 07.01.2021 passed by the Superintending Canal Officer shows that he has relied upon the report of Zileadar, Gorakhpur dated 02.08.2019 to return a finding that a watercourse had been demolished.

Learned counsel for the petitioner has argued that the said finding is contrary to the finding of the Sub-Divisional Canal Officer who has also relied upon the same report dated 02.08.2019.

The argument cannot be accepted as in the absence of the report dated 02.08.2019, I would be inclined to accept the finding of a more senior officer.

In view of the above, the writ petition has no merit and is dismissed.

September 14, 2021

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No