

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

**LPA-150-2021(O&M)**  
**Reserved on :05.04.2021**  
**Date of Decision: 20.04.2021**

Darshan Singh

--Appellant

Versus

The Superintending Canal Officer & others

--Respondents

**CORAM:- HON'BLE MR.JUSTICE AJAY TEWARI.**  
**HON'BLE MR. JUSTICE RAJESH BHARDWAJ.**

Present:- Mr. B.S. Sidhu, Advocate for the appellant.

Mr. Deepinder Brar, Advocate for respondents no.3 & 4.

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**RAJESH BHARDWAJ.J**

This intra-court appeal has been filed against the order dated 14.2.2020 passed by learned Single Judge. Appellant Darshan Singh had filed CWP-9614-2015, wherein he challenged the orders dated 2.7.2014 and 29.1.2015, wherein the quasi-judicial authorities had accepted the plea of the respondent regarding restoration of the *Khal Mogha Burji* 87584.

Succinctly, the facts of the case are that respondent Amandeep Kaur filed an application for the change of *Warabandi* which was accepted by the Deputy Collector vide order dated 10.02.2010. Appellant Darshan Singh filed an appeal against the same before the Divisional Canal Officer, Bathinda assailing the order dated 10.02.2010. The Divisional Canal Officer inspected the site on 27.3.2012. Thereafter, having heard both the parties the Divisional Canal Officer, Bathinda accepted the appeal vide order dated 28.3.2012, wherein he observed that there existed no *Khal* leading to Khata No.92. Aggrieved, the respondent challenged this order before the Superintending Canal Officer, who remanded the case back to the Deputy

Collector, Bathinda for a decision afresh vide his order dated 17.5.2012. In pursuance to the order of remand, the case was heard by Deputy Collector, Bathinda wherein vide his order dated 22.2.2013 he observed that after hearing the parties and perusing the report from Zileadar, it had been stated that Amarjit Singh son of Karnail Singh wanted the turn of water but there was no water course and it is on the basis of this reason the appeal was then accepted and thus, as a result, the *Naka* could not be given without the water course. Hence, he directed that Amarjit Singh son of Karnail Singh and Amardeep kaur widow of Manjit Singh should first get the water course restored under Section 30-FF of Northern India Canal and Drainage Act by making an appropriate application. A copy of this order has been appended with the writ petition as Annexure P-8. It is because of this reason, respondent Amandeep Kaur filed an application under Section 30-F.F of Northern India Canal and Drainage Act before the Divisional Canal Officer, Bathinda for the restoration of the demolished *Khal* for Khata No.92. The Divisional Canal Officer sought the report on the subject and summoned all the parties concerned. After perusing the records and hearing the parties the Divisional Canal Officer observed that the turn of water was duly sanctioned and the filling was of 0-23 minutes at Khata No.92 and the *Nukka* for taking water is fixed at 256//3-7. Hence, he concluded that appellant Darshan Singh had demolished the canal water leading to the area of Amandeep Kaur. As a result the application filed under Section 30-F.F of Northern India Canal and Drainage Act by Amandeep Kaur was allowed by restoring the demolished *Khal* vide order dated 2.7.2014. Aggrieved by this order appellant Darshan Singh filed an appeal before the Superintending Canal Officer, Ludhiana. The facts and record of the case

were re-appreciated, parties were heard at length and the appeal filed by Darshan Singh was dismissed by the Superintending Canal Officer, Ludhiana vide order dated 29.1.2015.

Aggrieved by both the aforesaid orders appellant Darshan Singh filed a writ petition before this Court under Article 226/227 of the Constitution of India. Learned Single Bench having heard the parties at length, sought a fresh affidavit regarding the existence of/otherwise of the watercourse in dispute. In pursuance to the same the Divisional Canal Officer filed an affidavit dated 12.2.2019 wherein he categorically affirmed that there was a water course in existence at the site and the same had been demolished.

We have heard counsel for the appellant at length and have gone through the records.

In view of the overwhelming findings on factual aspects by the quasi judicial authorities below, we find no perversity in the conclusion arrived at by learned Single Judge. Hence, the instant appeal being devoid of any merit, we agree with the view taken by the learned Single Judge.

Appeal dismissed.

**(AJAY TEWARI)**  
**JUDGE**

**(RAJESH BHARDWAJ)**  
**JUDGE**

**20.04.2021**

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