

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

Sr. No.113

CWP No.11068 of 2021

DATE OF DECISION: August 04, 2021

JASWANT SINGH ALIAS JASSA AND ANOTHER

..PETITIONERS

VERSUS

**SUPERINTENDING CANAL OFFICER, BHAKRA WATER SERVICES
AND ANOTHER**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ankit Joshi, Advocate, for the petitioners.

SUDHIR MITTAL, J. (ORAL)

Respondent No.2 had sought restoration of a demolished watercourse. Vide order dated 02.07.2020, the Sub-Divisional Canal Officer, Odhan, Water Service Sub-Division, Odhan, granted the prayer. This order was challenged *inter alia* by the aforementioned Harmeet Singh before the Divisional Canal Officer on the ground that the Sub-Divisional Canal Officer had assessed less compensation for demolition of the watercourse. The Divisional Canal Officer allowed the appeal and remanded the matter to the Sub-Divisional Canal Officer for a fresh decision after hearing the concerned parties. Harmeet Singh challenged the said order before the Superintending Canal Officer for some inexplicable reason. The revision filed by him has been dismissed by observing that the Sub-Divisional Canal Officer had never assessed any compensation for demolition of the watercourse nor he had the jurisdiction to do so. Under Section 24 of the Haryana Canal and Drainage Act, 1974 (hereinafter referred to as the Act) if a party fails to restore the demolished watercourse within the time prescribed, the watercourse is to be restored by the canal authorities and the cost is to be recovered from the person

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who has been directed to restore the watercourse. Rs.500/- as penalty may also be imposed. The recovered cost may be paid to the person who had filed the application for restoration of demolished watercourse by way of compensation at the discretion of the Sub-Divisional Canal Officer. Accordingly, the remand order passed by the Divisional Canal Officer has been set aside.

The aforementioned order of the Superintending Canal Officer is perfectly legal and in accordance with the statutory provisions.

Learned counsel for the petitioner has argued that because of Section 55(2) of the Act, revision before the Superintending Canal Officer was not maintainable.

The contention is thoroughly misconceived. Section 55 is regarding power of the Deputy Collector to order use or distribution of water and settlement of differences. The Deputy Collector is an officer appointed to perform the functions of Deputy Collector under the Act. This is as per the definition of the said term contained in Section 2(2) of the aforementioned Act. Thus, it is incorrect to submit that against the order of the Divisional Canal Officer, the Deputy Collector should have been approached in the first instance.

For the aforementioned reasons, the writ petition has no merit and is dismissed.

August 04, 2021

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No