

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

Sr. No.121

**CWP-18701-2021 (O&M)  
Date of decision : 25.10.2021**

Kulvir Singh

..... Petitioner

VERSUS

Superintending Canal Officer and others

..... Respondents

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

Present: Mr. J.S Warring, Advocate, for the petitioner.

Mr. J.S. Brar, Advocate, for the respondent-Caveator.

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

The petitioner is challenging the orders of the canal authorities, whereby, upon an application filed by respondent No.3 for restoration of a demolished water-course, restoration has been ordered.

Learned counsel for the petitioner has raised two-fold arguments; (a) the land sought to be connected through restoration of a demolished water-course lies in two revenue estates and there are separate canal chak bandies for the said revenue estates. Thus, the water-course in dispute could not have existed and (b) there is no record of the existence of the water-course in question.

According to the site plan (Annexure P-8), the demolished water-course ordered to be restored is shown as CD. It connects two separate water-courses shown as AC and DE. The water-course in dispute, i.e. CD runs along the killa line. The proposition of law sought to be raised by learned counsel for the petitioner is not supported by any rule or law. There are two separate chunks of land owned by respondent No.3 and he has alleged that the water-courses flowing through the said chunks were

connected by the water-course CD, which has been demolished. The authorities below have held in his favour and no error in the impugned order has been pointed out. Thus, the arguments raised cannot be accepted. The water-course in dispute appears to be feasible and probable and simply because, it connects land of two separate revenue estates cannot lead to the conclusion that it was never in existence. Similarly, even though, the canal chak bandies of the different revenue estates may be different, it cannot be said that the water-course CD never existed. It may be that the same is not the sanctioned water-course, but it is possible that the same was running by virtue of an agreement between the parties. This conclusion of mine is supported by the fact that the authorities below have concurrently found that the water-course in dispute was in existence and had been demolished.

The second argument also cannot be accepted because it was for the petitioner to show on the basis of record that the findings of the authorities below regarding the existence of the water-course in dispute were erroneous and that there is evidence to show that the water-course never existed. No such evidence has been brought to my notice and thus, an oral argument alone cannot be accepted.

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

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

**25.10.2021**

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No