

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

Sr. No.115

**CM-7737-CWP-2022 in/and
CWP-3169-2022
Date of decision : 19.05.2022**

Mange Ram and another

..... Petitioners

VERSUS

The Sub Divisional Canal Officer and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ashok Verma, Advocate, for the petitioners.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Deepak Choudhary, Advocate, for respondent No.4

SUDHIR MITTAL, J. (Oral)

CM-7737-CWP-2022

This application has been filed for placing on record certified copy of site plan as Annexure P-5.

For the reasons stated therein, the application is allowed and copy of site plan as Annexure P-5 is taken on record.

CWP-3169-2022

The present writ petition has been filed because on an application filed by respondent No.4, a water course has been ordered to be restored and challenge to the order by the petitioner has failed.

Record was examined and it was found that a site plan of the year 1991 had been placed on record depicting the existence of the demolished water course.

Today, learned counsel for the petitioner has placed on record a site plan of the year 2015 to submit that the said site plan does not show the existence of the water course.

The argument is mis-conceived. This Court is not a Court of appeal, where, additional evidence can be placed on record. In exercise of jurisdiction under Article 226 of the Constitution of India, this Court only examines the legality & validity of the orders challenged before it. Thus, material which was not on record before the authorities below cannot be relied upon.

The record of the Sub Divisional Canal Officer had been requisitioned as an argument was raised that apart from wara-bandi, there was no evidence on record to show that a water course was ever in existence. The record has falsified this argument and thus, the writ petition has no merit. It is accordingly, dismissed.

(SUDHIR MITTAL)
JUDGE

19.05.2022
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No