

LPA No.325 of 2022 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA No.325 of 2022 (O&M)

Date of decision : 23.05.2022

Navdeep Singh

.....Appellant

VERSUS

The Sub Divisional Canal Officer, Panjuana Water Services Sub
Division, Sirsa and others

....Respondents

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

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

Ms. Rajni Gupta, Addl. A.G., Haryana,
for respondents No.1 to 3

Mr. Shubham, Advocate, for
Mr. J.S. Thind, Advocate, for
caveator - respondent No.4

AUGUSTINE GEORGE MASIH, J.

Challenge in this appeal is to the order passed by the learned Single Judge, dated 28.02.2022, dismissing the writ petition preferred by the appellant, challenging the orders passed by the Canal Authorities accepting the request of respondent No.4 – Mewa Singh for restoration of the demolished watercourse shown as AB in site plan Annexure P-1.

It is the contention of the learned counsel for the appellant that the watercourse AB as shown in the site plan (Annexure P-1) has not been demolished by the appellant. Rather in the guise of restoration of the alleged existing watercourse, a new watercourse is sought to be

LPA No.325 of 2022 (O&M)

carved out by respondent No.4 through an application which was submitted before the Sub Divisional Canal Officer, Panjuana Water Services Sub Division, Sirsa – respondent No.1. Referring to the said site plan, he has asserted that the said watercourse never existed at the site and therefore, the question of demolition thereof does not arise. Prayer has, thus, been made for accepting the present appeal by setting aside the impugned order passed by the learned Single Judge as also the Canal Authorities.

Notice of motion.

On the asking of the Court, Ms. Rajni Gupta, Addl. A.G., Haryana, accepts notice on behalf of respondents No.1 to 3. Mr. Shubham, Advocate, for Mr. J.S. Thind, Advocate, present in Court, accepts notice on behalf of caveator - respondent No.4. Caveat discharged.

Counsel for the respondents have pointed out that had there been no watercourse, the land of the respondents would not have been reflected as *Nahri* in the revenue records and the land of respondent No.4 would be left without any irrigation as there is no alternative watercourse which would irrigate the land. They, therefore, support the orders passed by the Canal Authorities as have been upheld by the learned Single Judge in the writ petition.

Having considered the submissions made by the learned counsel for the parties and after going the records of the case, we are in agreement with the order passed by the learned Single Judge dismissing the writ petition.

LPA No.325 of 2022 (O&M)

Perusal of the order passed by the learned Single Judge as also the Canal Authorities would make it amply clear that the Sub Divisional Officer, Panjuana Water Services Sub Division, Sirsa, had visited the site on 31.12.2020 and on inspection thereof, he had found the signs of dismantled watercourse present on the western side of Rectangle No.48//10/2-11-20-21, which clearly indicated the existence of watercourse. Apart from that, documents on the file i.e. Nakshas dated 30.08.1983 and 05.08.2002, *Parat Warabandi* and the Irrigation Figures proved the irrigation of the area of respondent No.4. Existence of watercourse since the year 1983 stood, therefore, proved.

Khasra girdawaris, copies of which have been placed on record of the authorities, further indicated that the area in question was under irrigation. No other watercourse has been pointed out by the learned counsel for the appellant irrigating the land of the private respondent. This clearly shows that there was indeed a watercourse at point A and B which has been dismantled by the appellant which was in existence since the year 1983. Since the watercourse was running for more than 20 years, it would fall under the category of sanctioned watercourse under Section 2 (15) of the Haryana Canal and Drainage Act, 1974, which requires to be restored permanently.

All the Canal Authorities have given concurrent findings on these facts which have been upheld by the learned Single Judge. There is no perversity or illegality in the order impugned dated 28.02.2022 passed by the learned Single Judge, which would call for any interference by this Court in the present appeal.

LPA No.325 of 2022 (O&M)

The present appeal being devoid of any merit, therefore, stands dismissed.

CM-831-LPA-2022

In the light of the dismissal of the main appeal, no order is required to be passed in the present application for stay as the same has been rendered infructuous.

Disposed of as such.

(AUGUSTINE GEORGE MASIH)
JUDGE

23.05.2022
Harish

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No