

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

Sr. No.125

Civil Writ Petition No.17317 of 2022

Date of Decision : August 08, 2022

Fauja Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ashok Kumar Sama, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The respondents No.4 to 6 had sought restoration of a demolished watercourse. The Divisional Canal officer allowed their application. Appeal filed by the petitioner has been rejected and thus, the present writ petition has been filed.

Learned counsel for the petitioner has submitted that the report of the Zileadar records that watercourse in dispute was not in existence. There is no warabandi evidencing the existence of the watercourse. Site plan (Annexure P-3) also shows that the watercourse existed upto point C only and not beyond that. Thus, the authorities below were in error in ordering restoration of the demolished watercourse.

The report of the Zileadar is ambiguous and thus, no reliance can be placed thereupon. The site plan does not conclusively show that the watercourse CD was not in existence. In fact, the said watercourse lies between the lands owned by the petitioner and the private respondents and this fact is in favour of the existence of a watercourse. Both the

authorities below have returned concurrent findings of fact regarding the existence of the watercourse. The findings have not been shown to be perverse and no interference is called for.

The argument that no warabandi is in existence is meaningless. Warabandi is not evidence of existence of a watercourse.

The writ petition has no merit and is dismissed.

August 08, 2022

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No