

CWP-19466-2022

Date of Decision: 01.09.2022

Chhotu Ram

....Petitioner

VS

The Sub-Divisional Canal officer, Adampur Water Services Sub-Division.
Adampur and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ashok Verma, Advocate
for the petitioner

SUDHIR MITTAL, J. (Oral)

Respondent No. 4 had filed an application for restoration of a demolished water course. The Sub Divisional Canal Officer allowed the application and ordered restoration for a period of six months. This order was not challenged by either the petitioner or respondent No. 4. The water course was restored on 12.10.2020 and was again demolished in June 2021. Thus, the water course was functioning for a period of eight months. Respondent No. 4 challenged order of restoration passed by the Sub Divisional Canal Officer in an appeal filed on 10.12.2020 but the same was dismissed as time barred. Further, revision has been partly allowed and the water course has been ordered to be restored for one year from the date of its restoration at site.

Learned counsel for the petitioner has argued that site plan (Annexure P-4) clearly establishes that the land of respondent No. 4 is being irrigated through an alternate source. Thus, he does not need the water course demolished by the petitioner. The argument is that in case there is an alternate source of irrigation ordering restoration of a demolished water course is not justified. For this purpose reliance has been placed upon Division Bench order in *Ram Singh vs. The Sub-Divisional Canal Officer, Kaithal Water Services Sub-Division and others*

The argument raised is misconceived and illogical. Restoration of a demolished water course is ordered because no person can demolish a running water course. It was running despite an alternate source of supply. Rule of law requires that people be discouraged from taking law into their own hands. The judgment in *Ram Singh (supra)* does not lay down any law that restoration should not be ordered where an alternative source of irrigation is available. Thus, the argument raised is rejected.

It is, however, clarified that the period of one year mentioned in the impugned order passed by the Superintending Canal Officer shall include the period for which the water course has already run.

With the aforementioned clarification, the writ petition is dismissed.

01.09.2022
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(SUDHIR MITTAL)
JUDGE

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