

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

\*\*\*

CWP-264-2023

Date of decision : 12.01.2023

Sadhu Ram

... Petitioner

Versus

State of Haryana and others

... Respondents

***CORAM: HON'BLE MR.JUSTICE VIKAS BAHL***

Present: Mr.Munish Kumar Garg, Advocate and  
Ms.Bhavna Thakur, Advocate  
for the petitioner.

**VIKAS BAHL, J.(ORAL)**

This is a civil writ petition under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction in the nature of certiorari for quashing the order dated 21.01.2022 passed by the Sub Divisional Canal Officer, Rajound, W/S Sub Division, Rajound in an application under Section 24 of the Haryana Canal and Drainage Act, 1974. Challenge is also to the order dated 05.04.2022 passed by the Divisional Canal Officer, Division Kaithal, Kaithal in appeal no.1/2022 preferred by the petitioner and also to the order dated 28.06.2022 vide which the revision petition filed by the petitioner has been dismissed by the Superintending Canal Officer, Bakhra Water Services Circle Kaithal.

Brief facts of the case are that respondent no.6- Satya Vivek, who is a co-sharer in RD No.129700/R, Rajound Rajbaha, resident of village Thua, District Jind, had moved an application before the Sub Divisional Officer Canal Officer to the effect that canal water channel meant for irrigation of his land, has been demolished by the present petitioner on account of which, irrigation to his field has been disrupted.

Prayer made in the said application was that the channel be opened again. The Sub Divisional Canal Officer vide order dated 21.01.2022 allowed the said application and ordered the restoration of the water course in land bearing rectangle No.146, Killa no.23-24/1 along southern side for one year. Before passing of the said order, the Sub Divisional Canal Officer had conducted spot examination and found that the water course A.B.C. was going upto the area belonging to respondent no.6 and the watercourse B.C. had been closed by the present petitioner and the said fact was taken into consideration. While passing the said order, the report of the Zileadar, who had also conducted spot inspection, was also taken into consideration. Appeal was filed against the said order dated 21.01.2022 by the present petitioner, which was dismissed by the Divisional Kanal Officer vide order dated 05.04.2022 and while dismissing the said appeal, it was observed that the water course in dispute was running for some years prior to its demolition and the same stood verified from the irrigation booking and that respondent no.6 was irrigating his fields through the said water course which had been stopped at site. It had been observed that the water course in dispute falls within the ambit of temporary water course under Section 2 (12) of the Haryana Kanal and Drainage Act, 1974 and accordingly, the restoration of the said water course in dispute for a period of one year had been ordered. Revision petition filed against the order dated 05.04.2022 by the petitioner was dismissed by the Superintendent Canal Officer vide order dated 28.06.2022 (Annexure P-10) and while dismissing the said petition, the Superintending Canal Officer had observed that after perusing and studying the record including khakha plan, which had been duly prepared by the Canal Patwari and Zileadar, observed that it was clear that the water

course in dispute was running for some time prior to the demolition and the same had been stopped at site after demolition and thus, dismissed the appeal and directed the Divisional Canal Officer to get the watercourse restored within one month from the date of decision.

Learned counsel for the petitioner has submitted that as a matter of fact, there was no water course in existence and thus, the question of it being demolished by the present petitioner does not arise.

This Court has heard learned counsel for the petitioner and perused the paper book.

All the authorities have concurrently held that the water course in question was in existence and the same had been demolished by the petitioner on account of which respondent no.6 was deprived of the same and thus, could not irrigate his field. The said finding had been arrived after spot inspection had been carried out by the Sub Divisional Canal Officer as well as by the Zileadar. Relevant record was also taken into consideration by all the said three authorities. Nothing has been shown to this Court that the orders passed by the authorities were perverse, illegal and contrary to the record. There is no material to dispute the finding of the fact given by the authorities.

Keeping in view of facts and circumstances, the present petition being sans merit, is accordingly dismissed.

**(VIKAS BAHL)**  
**JUDGE**

**January 12, 2023**

*Davinder Kumar*

Whether speaking / reasoned  
Whether reportable

Yes/No  
Yes/No