

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

CWP-18775-2021

Date of decision : 21.09.2023

Pritam Singh

.....Petitioner

versus

**Superintending Canal Officer, Sirhind Canal Circle, Ludhiana and
others**

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Ms. Kirandeep Kaur, Advocate for
Mr. Kamaldip Singh Sidhu, Advocate
for the petitioner.

Mr. Arun William, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for issuance of directions to the official respondents to release the watercourse of the petitioner in view of the order dated 29.03.2011 (Annexure P-4) passed by this Court by way of CWP-6533-2010 titled as Sukhdev Singh Vs. Superintending Canal Officer and others as the private respondents No.5 and 6 clearly violating the aforesaid order and also directing the official respondents to take suitable action against the private respondents as per law.

In response to the petition, the State has filed the reply. Learned State counsel has drawn the attention of this Court to the reply filed in the shape of affidavit of Mr. Gursagar Singh Chahal, Divisional Canal Officer, Bathinda wherein it has been stated that the Divisional Canal Officer passed the order dated 02.09.2009 for the restoration of demolished watercourse in favour of petitioner and against the Divisional Canal Officer's order private respondent filed an appeal in the

Court of The Superintending Canal Officer, Sirhind Canal Circle, Ludhiana and the same was dismissed on 07.01.2010. He has further stated that the private respondent filed CWP-6533-2010 in this Court and the same was also dismissed on 29.03.2011. He submits that thereafter the orders attained finality and the watercourse was restored by the department on 23.11.2011 as per order dated 02.09.2009 passed by Divisional Canal Officer, Bathinda. It is further submitted that the water course was again tempered with by the private respondent and hence, the present writ petition has been filed. It is submitted that Sub Divisional Officer, Dadhahoor inspected the watercourse on 24.09.2021 and found that the partial watercourse was in running condition. He submits that in pursuance to the orders passed by this Court, the watercourse is running. As it is mentioned in the reply that the partial watercourse was found in running condition, the State is directed to ensure the compliance of the abovesaid orders in letter and spirit and redress the grievance of the petitioner if any survives as on date.

The petition is disposed of in above-mentioned terms. However, petitioner would be at liberty to avail his remedies in case of his having any surviving grievance.

21.09.2023
m. sharma

(**RAJESH BHARDWAJ**)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No