

2023:PHHC:144363-DB

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

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LPA-1526-2023 (O&M)

Date of Decision: 14.11.2023

Jatinder Singh

... Appellant

Versus

The Superintending Canal Officer and others

... Respondents

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE SUKHVINDER KAUR**

Present: Mr. Sandeep Khunger, Advocate for the appellant.

Ms. Deepali Puri, Addl. A.G., Punjab.

DEEPAK SIBAL, J.(Oral)

1. The present Intra Court Appeal has been preferred against the judgment dated 6.9.2023 passed by a learned Single Judge of this Court dismissing the appellants's petition filed by him challenging therein the orders of the Divisional Canal Officer (for short 'DCO') and the Superintending Canal Officer (for short 'SCO') through which orders the watercourse in question has been ordered to be restored.

2. Briefly noticed the facts are that through order dated 20.3.2023 the DCO ordered restoration of the watercourse in question. Such order was passed after the DCO had himself inspected the relevant record and had also considered the statements made before him by the concerned parties which included the statement of the appellant which was to the effect that the watercourse in question was a katcha/temporary watercourse which was being used for cultivation of the fields and that it had been got demolished by him by mistake. In an appeal filed by the appellant, the SCO, after re-appreciating the record,

found that earlier the appellant and the private respondents had compromised the matter and that the appellant had admitted before the revenue authorities that he had unintentionally demolished the katcha watercourse in question while he was cultivating the fields. Since the existence of the watercourse in question was not disputed by the appellant, the SCO upheld the findings of the DCO ordering restoration of the katcha/temporary watercourse.

3. Learned Single Judge after considering the submissions made by learned Counsel appearing for the appellant and perusing the record of the case as also the judgments cited by him was of the view that the concurrent findings returned by the DCO and SCO required no interference especially when the appellant had himself admitted the existence of the katcha watercourse in question as also that he had unintentionally damaged the same while cultivating his fields.

4. After hearing learned counsel for the appellant and going through the record of the case, we also find no reason to interfere with the concurrent findings of the DCO, SCO and the learned Single Judge. Accordingly, the appeal is dismissed.

5. Since the main case has been dismissed the pending application(s), if any have been rendered infructuous.

(DEEPAK SIBAL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

14th November, 2023

anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No