

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

CWP-25873-2023

Date of decision : 01.12.2023

Mukesh Kumar

.....Petitioner

versus

Superintending Canal Officer and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Peeush Gagneja, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. Surinder Pal Singh Tinna, Advocate
for respondent No.4.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing the impugned order dated 12.10.2023 passed by respondent No.1 whereby the well reasoned order dated 09.08.2023 (Annexure P-8) passed by respondent No.2 has been set aside which impugned order passed by respondent No.1 is totally wrong, illegal and violative of provisions of The Northern India Canal and Drainage Act, 1873.

Learned counsel for the petitioner reiterated his allegations that the sanctioned khal/pacca water course is not being allowed to run by respondent No.4. However, this Court has interacted with respondent No.4, petitioner as well as Mr. Ishwar Singh, Zileadar present in the Court.

The Zileadar present in the Court has submitted that parallel to the pacca water course there is a kaccha water course made by respondent No.4 in his land and the petitioner has no concern with the same.

Respondent No.4 has also submitted before this Court that he is not irrigating his land from the pacca water course but from the kaccha water course which he has made in his own land. He has also undertaken that if there is any leakage in the pacca water course and petitioner carries out repair in the same, he would duly cooperate.

The Ziledar has also submitted that he would personally visit the site and ensure that the repair of this khal is carried out peacefully. He has submitted that by virtue of the impugned order, the penalty imposed upon respondent No.4 has already been waived off.

Thus, the authorities would not impose any further cut in the supply of the water of respondent No.4. Notice was issued in this petition only to ascertain above-facts and not on the merits of the case.

Heard. After hearing counsel for the parties and perusing the record, the present petition is disposed of. The parties would be bound by undertaking as stated above. However, it is being made clear that the respondents-authorities would ensure peaceful supply of the water to the petitioner as well as respondent No.4. In case there is any violation found, the authorities would be at liberty to proceed against the erring party in accordance with law.

(**RAJESH BHARDWAJ**)
JUDGE

01.12.2023
m. sharma

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