

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.116

LPA-2026-2023 (O&M)

Date of decision : 15.12.2023

Manjit Kumar and another

..... Appellants

Versus

Superintending Canal Officer
and others

..... Respondents

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

Present : Mr.S.P.S.Tinna, Advocate, for the appellants.

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DEEPAK SIBAL, J. (Oral)

1. The present intra court appeal is directed against an interlocutory order dated 08.12.2023 passed by a learned Single Judge of this Court through which the order of *status quo* granted by the learned Single Judge on 24.05.2023 has been ordered to be vacated.

2. Through filing of a writ petition the appellants had challenged a series of orders passed by the canal authorities ordering restoration of the watercourse in question. On 24.05.2023 a learned Single Judge of this Court issued notice in the appellants' writ petition and in the meanwhile, as an interim measure, directed maintenance of *status quo*. Thereafter, on 01.12.2023 the concerned Zileadar, appeared before the learned Single Judge and submitted that the appellants had demolished the watercourse in question as a result whereof respondent No.3 was left with no source of water for irrigating his fields. The learned Single Judge adjourned the matter to 08.12.2023 with a direction to the Zileadar to again inspect the spot and file a report. As directed, the spot was again inspected and an affidavit of the Divisional Canal Officer, Abohar Canal Division, Abohar, District Fazilka was filed before the learned Single Judge as per which the watercourse in question had been demolished by the appellants

resulting in stoppage of water to the fields of the private respondents. After

considering the contents of the afore affidavit, on 08.12.2023, the learned Single Judge directed listing of the matter for final arguments on 15.02.2024 and in the meanwhile vacated the *status quo* order dated 24.05.2023. Order dated 08.12.2023 is the subject matter of the challenge through the present intra court appeal.

3. After hearing the learned counsel for the appellants and perusing the record, we find that the order with regard to maintenance of *status quo* had been passed at the time of preliminary listing of the appellants' writ petition. However, after the respondents appeared before the learned Single Judge and also, after again inspecting the spot, filed an affidavit, it became clear that the watercourse in question had been in existence since long and that the same had been demolished by the appellants resulting in the private respondents getting no water for irrigating their fields. It is in these circumstances that the learned Single Judge vacated the order for maintenance of *status quo*.

4. In the light of the above factual position, we are of the opinion that no error in fact or in law is there in the impugned order warranting any interference by us.

5. Dismissed.

6. It is clarified that the findings recorded in the instant order are with respect to upholding an interlocutory order passed by the learned Single Judge. Therefore, they would not influence the learned Single Judge at the time of final decision on the appellants' writ petition.

[DEEPAK SIBAL]
JUDGE

15.12.2023
shamsher

[SUKHVINDER KAUR]
JUDGE

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