

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

124

LPA-344-2024 (O&M)

Date of decision: 04.03.2024

Gurtej Singh

...Appellant

VERSUS

Superintending Canal Officer, Patiala and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. P.K. Ganga, Advocate
for the appellant.

Mr. Ankit Midha, Advocate
for the respondent No.3/Caveator.

DEEPAK SIBAL, J.(ORAL)

The present intra Court appeal arises out of the judgment dated 09.01.2024 passed by a learned Single Judge of this Court dismissing the appellant's writ petition filed by him to challenge therein order dated 18.09.2023 passed by the Divisional Canal Officer, Mansa (for short – DCO) through which the appellant had been directed to restore the watercourse in question which was found to have been demolished by him. Also under challenge is the order dated 20.11.2023 of the Superintending Canal Officer, Patiala Canal Circle (for short – SCO) through which an appeal filed by the appellant against the aforesaid order of DCO was dismissed.

2. After hearing learned counsel for the parties and perusing the record, we find that the watercourse in question which was found to be running since long was established to have been demolished by the

appellant and accordingly on an application filed by respondents No.3 and 4 under Section 30-FF of the Northern India Canal and Drainage Act, 1873, the DCO vide his order dated 18.09.2023 ordered its restoration but only after he had thoroughly examined the entire matter and summoned reports from his subordinate field staff.

3. We further find that the aforesaid order of DCO was assailed by the appellant before the SCO, who re-appreciated the record and after granting adequate opportunity to the contesting parties as also examining the report from his field team dismissed the appellant’s appeal.

4. After going through the findings recorded by the DCO and the SCO, we find that they are based on the evidence led by the contesting parties before them as also on the reports of the field staff attached to the Canal authorities. These orders are found to be reasoned and having been passed after grant of adequate opportunities to all concerned. Therefore, no error of fact or in law is found in the judgment of the learned Single Judge upholding such concurrent findings by the Canal authorities.

5. Dismissed.

6. All pending miscellaneous application(s), if any, also stand disposed of.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

04.03.2024
Sapna

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No