

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

CWP-8606-2024

Date of decision: 19.04.2024

Amarjit Kaur

.....Petitioner

versus

Superintendent Canal Officer and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Bhanu Pratap Singh, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

Prayer in the present petition is for quashing of impugned orders dated 26.07.2023 (Annexure P-2) passed by respondent No.2 i.e. Divisional Canal Officer, Faridkot and also order dated 12.12.2023 (Annexure P-4) passed by respondent No.1 i.e. Superintendent Canal Officer, Sirhind Circle, Ludhiana.

2. It has been submitted by counsel for the petitioner that respondents No.3 to 8 had filed an application before respondent No.2 for reconstructing canal watercourse which was alleged to have been dismantled. He further submits that on hearing counsel for the parties, respondent No.2 illegally accepted the same vide impugned order dated 26.07.2023. Being aggrieved, petitioner filed an appeal before respondent No.1 i.e. Superintending Canal Officer. It is submitted that respondent No.1 without appreciating the evidence on record and the law settled, dismissed the same by passing a cryptic order. He further submits that respondents No.1 and 2 have failed to appreciate that petitioner had filed Civil Suit No.699-2022 titled as *Amarjeet Kaur Vs. Gurdeep Singh and others* and the interim injunction was also granted to the plaintiff in that

case vide order dated 30.08.2022. He has submitted that after reconstruction of the khal as illegally prepared by the respondents-authorities, the petitioner would face serious difficulties in cultivating his land. He has submitted that the respondents-authorities have failed to consider the fact that in the original application filed by the respondents namely, Gurjant Singh, Kartar Singh and Jarnail Singh, they have wrongly stated that they would get water supply from the said watercourse whereas they were getting watercourse supply coming from Village Raunta side. He further submits that the impugned orders being unsustainable in the eyes of law deserves to be *set aside*.

3. Heard. On hearing counsel for the petitioner and perusing the record, it is apparent that on application filed by the respondents, the same was investigated and requisite reports were sought. On the basis of the report, the application of the respondents was recommended for restoration of the demolished watercourse at point ABCD. Thus, learned Divisional Canal Officer accepted the same vide his order dated 26.07.2023. Being aggrieved, petitioner assailed the said order by way of filing the appeal before learned Superintending Canal Officer. The parties were heard again and the record was re-appreciated. The existence of the khal was duly established from the record and it was found to have been demolished at point ABCD. Thus, the same was ordered to be restored at point ABCD in Khasra No.2040. Thus, there is no gainsaying that there is a concurrent findings in favour of the respondents by both the irrigation authorities. A Co-ordinate Bench of this Court in **Satinder Pal Singh Vs. State of Punjab and others, 2009 SCC OnLine P&H 11188** has held that *the findings of the authorities below cannot be interfered unless perverse, it is settled law that this Court while exercising the jurisdiction under*

Article 226 cannot sit as a Court of appeal over the findings recorded by the authorities below. Both the Courts below have recorded their detailed findings.

4. Thus, in the considered opinion of this Court, there is no illegality and perversity in the impugned orders passed by the authorities below and hence, this petition, being devoid of any merits, is hereby dismissed.

19.04.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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