



CM-15794-CWP-2025 in/and
CWP-2701-2024 (O&M)

-1-

299

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

**CM-15794-CWP-2025 in/and
CWP-2701-2024 (O&M)
Date of Decision: 04.11.2025**

Kasmir Singh and another

..... Petitioners

Versus

Superintending Canal Officer and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Sandeep Khunger, Advocate,
Ms. Sudrishti, Advocate and
Mr. Saksham Khunger, Advocate
for the petitioners.

Mr. Harpreet Singh, AAG, Punjab.

Mr. Piyush Setia, Advocate
for respondents No.3, 4 and 6.

HARSH BUNGER J. (ORAL)

At the oral request of the parties, the main case (CWP-2701-2024), which was otherwise fixed for 15.12.2025, is taken up on Board today itself for hearing.

2. The present petition has been filed under Articles 226/227 of the Constitution of India *inter alia* seeking issuance of a writ in the nature of Certiorari for setting aside order dated 08.08.2023 (Annexure P-5) passed by learned Divisional Canal Officer, Abohar Canal Division, Abohar and order dated 30.10.2023 (Annexure P-7) passed by learned Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur, whereby the prayer made by



CM-15794-CWP-2025 in/and
CWP-2701-2024 (O&M)

-2-

respondents No.3 to 6 for restoration of the watercourse has been allowed.

3. Mr. Piyush Setia, Advocate appears and files his *Vakalatnama* on behalf of respondents No.3, 4 and 6, which is taken on record, subject to all just exceptions.

4. Learned counsel for the petitioners *inter alia* submits that the canal authorities below while directing restoration of the watercourse vide the impugned orders have not recorded any finding as to whether the watercourse in question which is sought to be restored, is either sanctioned by law, by agreement or by a prescription. He further places reliance upon the judgments rendered by the Division Bench of this Court in the case of ***“Jagar Singh vs. Superintending Canal Officer and others, 1972 PLJ 147”*** and ***“Joginder Singh vs. The Sub Divisional Canal Officer, Ghaggar Water Services, Sub Division Tohana, 2003(2) RCR (Civil) 768”***.

5. At this stage, learned counsel appearing for respondents No.3, 4 and 6 has not raised any dispute to the aforesaid legal position as culled out in the case of ***Jagar Singh*** and ***Joginder Singh (supra)***.

5.1 Learned counsel for respondents No.3, 4 and 6 further submits that respondents No.3, 4 and 6 would have no objection if the impugned orders are set aside and the matter is remanded to learned Divisional Canal Officer, however, he submits that time bound directions be issued for the decision of the said case.

6. Learned counsel for the petitioners and learned State counsel do not raise any objection to the aforesaid course being adopted.

7. In view of the broad consensus arrived at between the parties, the present writ petition is partly allowed, the order dated 08.08.2023 (Annexure P-5) passed by learned Divisional Canal Officer, Abohar Canal



**CM-15794-CWP-2025 in/and
CWP-2701-2024 (O&M)**

-3-

Division, Abohar and order dated 30.10.2023 (Annexure P-7) passed by learned Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur are set aside and the matter is remanded to the Court of Divisional Canal Officer Abohar Canal Division, Abohar, for deciding the matter afresh, in accordance with law, after affording due opportunity of hearing to all the concerned parties and giving a clear finding as to whether the watercourse regarding which the restoration is being sought, is either sanctioned by law, by agreement or by prescription.

7.1 Let the aforesaid exercise be carried out within a period of three months from today. The parties are directed to appear before the Divisional Canal Officer, Abohar Canal Division, Abohar on 18.11.2025.

7.2 It is further directed that in case any of the parties is aggrieved against the order to be passed by learned Divisional Canal Officer and chooses to file an appeal, the appellate authority shall also make an earnest endeavor to decide the appeal within a period of three months from the date of its filing.

8. Keeping in view the above, the present petition is disposed of accordingly.

9. All the pending application(s), if any, shall also stand closed.

04.11.2025
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(HARSH BUNGER)
JUDGE

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| 1. Whether speaking/reasoned | : | Yes/No |
| 2. Whether reportable | : | Yes/No |