



CM-1456-CWP-2025 in/and
CWP-4335-2023 (O&M)

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

**CM-1456-CWP-2025 in/and
CWP-4335-2023 (O&M)
Date of Decision: 04.11.2025**

Pritam Singh and another

..... Petitioners

Versus

Superintending Canal Officer, Ferozepur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Surinder Pal Singh Tinna, Advocate
for the petitioners.

Mr. Harpreet Singh, AAG, Punjab.

Mr. Prabhjot Singh, Advocate
for respondent No.3.

HARSH BUNGER J. (ORAL)

CM-1456-CWP-2025:

Prayer in the present application is for placing on record reply dated 29.01.2025 filed on behalf of respondent No.3.

For the reasons mentioned in the application, reply dated 29.01.2025 filed on behalf of respondent No.3 is taken on record, subject to all just exceptions.

Application is accordingly disposed of.

CWP-4335-2023:

Petition herein is, *inter alia*, seeking a writ in the nature of

Certiorari for setting aside order dated 24.05.2021 (Annexure P-2) passed by



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learned Divisional Canal Officer, Abohar Canal Division, Abohar and order dated 28.10.2021 (Annexure P-4) passed by learned Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur, whereby the prayer made by respondent No.3 for restoration of the watercourse has been allowed.

2. 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 findings 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, Ghagggar Water Services, Sub Division Tohana, 2003(2) RCR (Civil) 768”***.

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

3.1 Learned counsel for respondent No.3 further submits that respondent No.3 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 may be issued for the decision of the said case.

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

5. In view of the broad consensus arrived at between the parties, the present writ petition is partly allowed. The order dated 24.05.2021 (Annexure P-2) passed by learned Divisional Canal Officer, Abohar Canal



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Division, Abohar and order dated 28.10.2021 (Annexure P-4) 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.

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

6.1 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.

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

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

04.11.2025
Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No