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

**CWP-12500-2024 (O&M)
Date of Decision: 08.08.2025**

Kashmiri Lal

..... Petitioner

Versus

Superintending Canal Officer, Ferozepur and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

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

Ms. Pratibha Bali, AAG, Punjab.

Mr. Ajay Kamboj, Advocate and
Ms. Kiranpreet Kaur, Advocate
for respondents No.3 and 4.

HARSH BUNGER J. (ORAL)

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 quashing order dated 02.03.2024 (Annexure P-3) passed by the Divisional Canal Officer, Abohar Canal Division, Abohar and order dated 23.04.2024 (Annexure P-5) passed by the Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur.

2. Learned counsel for the petitioner *inter alia* submits that the canal authorities below have ordered restoration of the watercourse, however, without recording any finding as to whether the watercourse which has been ordered to be restored, is either sanctioned by law, by agreement or by a



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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*”.

3. Learned counsel appearing for respondents No.3 and 4 have very fairly conceded that in fact, while ordering restoration of the watercourse, no such finding has been returned. Learned counsel further submits that the impugned orders be set aside and the matter may be remitted to the Divisional Canal Officer, however, he further submits that time bound directions be issued for the decision of the said case.

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

5. In view of the broad consensus arrived at between the parties, order dated 02.03.2024 (Annexure P-3) passed by the Divisional Canal Officer, Abohar Canal Division, Abohar and order dated 23.04.2024 (Annexure P-5) passed by the Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur are set aside and the matter is remitted to the Court of Divisional Canal Officer, Abohar Canal Division, Abohar, who shall decide the matter 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 sanctioned by law, by agreement or by prescription.

5.1 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 26.08.2025.

5.2 It is further directed that, in the event any party challenges the

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order passed after remand by the Divisional Canal Officer before the Superintending Canal Officer by way of an appeal, the Superintending Canal Officer shall make every earnest endeavour to decide such appeal within four months from the date of its filing.

6. Keeping in view the above, the present petition is disposed of accordingly.
7. All the pending application(s), if any, shall also stand closed.

08.08.2025

Himani

(HARSH BUNGER)

JUDGE

1. Whether speaking/reasoned

:

Yes/No

2. Whether reportable

:

Yes/No