



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105+235

CM-9080-LPA-2025 in/&
LPA-150-2025 (O&M)

Date of Decision: 05.03.2026

SUKHDEV SINGH AND ORS

...Appellants

Versus

SUPERINTENDING CANAL OFFICER AND ORS

...Respondents

CM-9032-LPA-2025 in/&
LPA-155-2025 (O&M)

SUKHDEV SINGH AND ORS

...Appellants

Versus

SUPERINTENDING CANAL OFFICER AND ORS

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Sherry K. Singla, Advocate and
Mr. Rajan Bansal, Advocate, for the appellants.

Mr. Rahul Rampal, Addl. A.G., Punjab.

Mr. Baltej Singh Sidhu, Senior Advocate with
Mr. Chandan Singh, Advocate,
for respondent No.4 in both cases.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. By this order, we propose to disposed of LPA-150-2025 and LPA-155-2025 by a common order as the issue involved therein is inter-connected and parties to the *lis* are also common.

2. In LPA-150-2025, the challenge is to the order dated 12.12.2024 passed by the learned Single Judge in CWP-23476-2924, by



which the writ petition filed by the appellants raising a grievance with regard to grant of benefit qua sanction of Warabandi by the Superintending Canal Engineer, Sirhind Canal Circle, Water Resources Department, Ludhiana, vide order dated 05.07.2024, has been dismissed.

2.1 In another Letters Patent Appeal (LPA-155-2025), the challenge raised is to the order dated 12.12.2024 passed by the learned Single Judge in CWP-23455-2024, by which the writ petition filed by the appellants for setting aside the order dated 28.06.2024 passed by the Superintending Canal Officer, Sirhind Canal Circule, Ludhiana, with regard to the sanction of Warabandi under Section 68 (3) of the Northern India Canal and Drainage Act, 1973, has been rejected.

3. The challenge was raised by the appellants to the Warabandi order dated 12.07.2022 passed by the Deputy Collector, Bhatinda Canal Division, Bathinda, wherein, certain benefits qua Warabandi were granted to the respondents, on the ground that the said order was passed at the back of the appellants and therefore, the same cannot be made binding upon the appellants.

4. We have heard the learned counsel for the parties and have gone through the record with their able assistance.

5. A finding has been recorded by the learned Single Judge that when the Warabandi was being sanctioned, due opportunity was given to the appellants to raise objections, but as the appellants failed to raise any objection, no reason arises for setting aside the order dated 12.07.2022. The said finding is being disputed by the learned counsel for the appellants on the ground that no notices qua proceedings before authority



concerned were given to them though the same has been wrongly recorded in the order dated 12.07.2022.

5. In order to ascertain the factual aspect qua the said argument, though a disputed question of fact has been raised by the appellants in appeal, the record is produced by Mr. Balwinder Singh, Zildar and seen by the Additional Advocate General, Punjab, appearing on behalf of the State so as to ascertain said factual aspect qua non-issuance of notices, which is also shown to appellant No.3-Angrej Singh, who is present in Court. The signatures of appellant No.1 are duly mentioned in the proceedings dated 22.05.2022, which took place before passing of the order dated 12.07.2022, which clearly shows that the appellants had duly participated in the proceedings before Deputy Collector, whereby Warabandi was sanctioned on 12.07.2022. That being so, keeping in view the above, it clearly shows that the appellants tried to mislead this Court by raising a false plea which is proven to be factually incorrect. Hence, once Warabandi has been sanctioned by appropriate authority vide order dated 12.07.2022 and that too, under appropriate provisions of law and the same is operational, therefore, no grievance can be allowed to be raised at this stage, especially when it has already come on record that the said Warabandi was prepared with due knowledge of the appellants whence they never raised any objection.

6. Learned counsel for the appellants has not been able to dispute the said factual position as well as the record which has been produced before this Court.

7. Now coming on to the second aspect with regard to



the challenge to the impugned order passed by the learned Single Judge upholding order passed by the Superintending Canal Engineer, Sirhind Canal Circle, Water Resources Department, Ludhiana, learned counsel for the appellants argues that though Warabandi has been sanctioned vide order dated 12.07.2022 but keeping in view the other facts, the grant of benefit of restoration of the *katcha* watercourse is incorrect.

8. It may be noticed that a finding has been recorded by the learned Single Judge qua said aspect that in case, the restoration of the watercourse is stayed, then there are other shareholders, who fall next in line, who are also to be affected which will be against policy of Government qua better irrigation, which fact has gone unrebutted at the hands of the appellants. Further, the Warabandi was finalized, accordingly restoration of watercourse as sanctioned vide order dated 12.07.2022 has been ordered vide order dated 05.07.2024 by Superintending Canal Officer, which order has been upheld by the learned Single Judge. The impugned order passed by the learned Single Judge has not been shown to be perverse either on facts or on law that once, a Warabandi has been sanctioned and the same has been taken into account for fixing the Nakas, the same has to operate.

9. Further, finding which has been recorded by the learned Single Judge that in case, the plea of the appellants is accepted, it will other shareholders also, has also gone unrebutted.

10. Keeping in view the totality of the circumstances, coupled with the fact that even before this Court, appellants were not truthful and raised factually incorrect plea, no ground is made for any interference by this Court. Accordingly, the present appeals are dismissed.



- 11. Pending applications, if any, also stand disposed of.
- 12. Photocopy of this order be placed on the file of connected case.

(HARSIMRAN SINGH SETHI)
JUDGE

March 05, 2026
harish

(VIKAS SURI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No