

**CWP-1953-2026 (O&M)**

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

131**CWP-1953-2026 (O&M)****Date of decision: 17.03.2026****Gurcharan Singh**

....Petitioner

Vs.

**The Divisional Officer (Canal), Faridkot Canal and
Ground Water Division, Faridkot and others**

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Swarn S. Tiwana, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab.

HARSH BUNGER J. (Oral)

1 Petition herein is, filed under Articles 226/227 of the Constitution of India, seeking a writ in the nature of Certiorari, for setting aside the order dated 29.07.2025 (Annexure P-3) passed by learned Sub-Divisional Canal Officer, Gholian, Canal Sub Division, Channuwala and order dated 15.10.2025 (Annexure P-6) passed by learned Divisional Canal Officer, Faridkot.

2. Briefly, respondent No.3 (Jagtar Singh) submitted an application before the Canal Authorities seeking restoration of demolished watercourse at outlet No. 5425/L Rajbaha-Marhi, village Channuwala, Tehsil Baghapurana, District Moga on the plea that the said watercourse, which was going on the eastern side of killa No.35//16, 25 has been demolished at site.



2.1 Upon receipt of the aforesaid request from respondent No.3, the matter was got investigated by the concerned Zildar, who vide his report dated 22.05.2025 (Annexure P-2) recommended restoration of the watercourse at point-AB on eastern side of killa No.35//16, 25.

2.2 Thereafter, the matter was taken up by the learned Sub-Divisional Canal Officer, who issued notices to the concerned parties, whereupon, the present petitioner (Gurcharan Singh) appeared and recorded his statement opposing the prayer made by respondent No.3.

2.3 The learned Sub-Divisional Canal Officer upon consideration of the matter came to the conclusion that there is a watercourse which was provided/reserved during the consolidation operation in the village on the eastern side of killa No.35//16, 25 from point A-B. The demand of respondent No.3 was found to be genuine and accordingly vide order dated 29.07.2025 (Annexure P-3), a direction was issued to restore the watercourse from point A-B, on the eastern side of killa No.35//16, 25.

3. Feeling aggrieved against the aforesaid order dated 29.07.2025 (Annexure P-3), petitioner herein preferred an appeal before the learned Divisional Canal Officer, Faridkot, which has been dismissed vide order dated 15.10.2025 (Annexure P-6).

4. In view of the aforementioned circumstances, present petition has been filed before this Court, for seeking relief(s) as noted hereinabove.

5. Heard.

6. A perusal of the impugned orders (Annexure P-3 and Annexure P-6) would show that the watercourse at point A-B falling on the eastern side of killa No.35//16, 25 has been found as a matter of fact to be provided



during the consolidation operation in the village, which has been ordered to be restored on the demand of the respondent No.3.

6.1 Before this Court, learned counsel for the petitioner has failed to dislodge the aforesaid finding of fact recorded by Canal Authorities below that the watercourse in question has been provided during the consolidation operation in the village.

7. In my considered view, once a watercourse has been provided during the consolidation operation in the village, the same has to be maintained by the Canal Authorities and no one can be permitted to change the user of such area reserved in the consolidation scheme by either demolishing the same or by usurping the area.

8. In view of the above, I find no merit in the instant petition and same is accordingly dismissed.

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

17.03.2026
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(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No