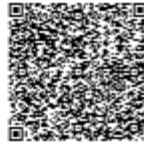


2026:PHHC:061449



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

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**RSA-333-2025 (O&M)
Date of decision:22.04.2026**

SURJIT SINGH AND OTHERS

...APPELLANTS

VERSUS

SUBA SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Gursimran Singh Bawa, Advocate
for appellants.

Mr. B.S. Jaswal, Advocate
for respondents.

PARMOD GOYAL, J. (ORAL)

Present regular second appeal has been preferred by appellants-plaintiffs challenging judgment and decree dated 04.12.2024 passed by learned Additional District Judge, Amritsar, whereby judgment and decree dated 16.05.2018 passed by learned Civil Judge (Junior Division) Ajnala in favour of appellants-plaintiffs in the suit for permanent injunction filed by appellants-plaintiffs, was modified. The act of respondents-defendants to lay underground water pipes for discharge of rainwater was upheld in view of permission granted by competent authority with liberty to appellant plaintiff to approach appropriate authority/court in case any damage is caused to their crops on land of appellant plaintiff or any financial damages linked to installation of underground water pipes, is suffered by him.

2. The issue in present case is limited one. It is the case of appellants-plaintiffs that respondents-defendants are laying down underground pipe through the water channel and through khasra No.42

which is owned by Forest Department into the land of appellants-plaintiffs forcibly and illegally in connivance with defendant No.2 which had permitted installation of said water course.

3. On the other hand, respondents-defendants, in their written statement had submitted that the competent authority under Northern India Canal and Drainage Act, 1873 (hereinafter referred to as '**1873 Act**') had duly granted permission under the 1873 Act, which is not amenable to jurisdiction of civil Courts. It was asserted that respondents-defendants were agriculturists and they owned land in village Rakh Othian, Tehsil Ajnala, Amritsar. At Rajbah Burji No.130-131, there was no underground cemented water pipes for water outlet and due to natural slant from southern side to northern side, drain water used to enter into the fields of respondents-defendants and used to destroy crop year after year due to lack of drainage. Accordingly, on representation of respondents-defendants, the authorities had allowed laying down of underground water pipes through the land of Forest Department so that land of respondents-defendants is saved from water logging on account of lack of drainage. It was further asserted that no construction is being raised in the land of appellants-plaintiffs and the water is not being discharged in the land of appellants-plaintiffs. Accordingly, dismissal of suit was prayed for.

4. Learned Court of First Instance after taking into consideration cancellation letter dated 09.09.2015, concluded that since the permission to lay underground pipes stand cancelled, therefore, had injuncted respondents-defendants from constructing underground water pipes through khasra No.42 and to discharge rainwater in the lands of appellants-plaintiffs. However,

learned Appellate Court had concluded that subsequent to cancellation, the permission was again granted to respondents-defendants vide letter dated 06.07.2023 (Ex.DX/1) for installation of underground pipes at Rajbah Burji No.130-131 for drainage of water and therefore respondents-defendants, who have been granted permission by competent authorities, are within their rights to lay down underground pipes which are not passing through the land of appellants-plaintiffs. However, liberty was granted to appellants-plaintiffs to approach competent authority/Court in case damage is caused on account of said underground pipes or flow of rainwater by virtue of drainage system, permitted to be erected by the respondents-defendants.

5. On consideration, I find that order passed by learned appellate Court cannot be interfered in regular second appeal by this Court. Admittedly, respondents-defendants are erecting water course with the permission of Canal Authorities, which is competent authority and no part of underground water course passes through the land of appellants-plaintiffs. The underground water course has been permitted through the forest land to solve the issue of water logging being faced by respondents-defendants and others land over 200 acres of land. Therefore, once competent authorities have granted permission to respondents-defendants to lay water course and there is no evidence to show that such permission is bad and in violation of any rights of appellants-plaintiffs, the same cannot be interfered by the Court, especially in view of bar raised under the 1873 Act, whereby jurisdiction of civil Courts in such matters is barred.

6. It is correct that in the garb of approved water course, the respondents-defendants cannot cause damage to the rights of appellants-

plaintiffs, however, no such violation of any right has been shown by appellants-plaintiffs in the present *lis*. The water course is still to be made functional and not passing through the lands of appellants-plaintiffs and sufficient liberty has been granted by learned Appellate Court that in case any violation of the scheme/water course is made out or any damage is caused due to said water course, appellants-plaintiffs would be entitled to approach competent authorities/Courts, in accordance with law.

7. In view of the nature of order passed by learned Appellate Court and above discussion, no case for interference with impugned order is made out. Present appeal is dismissed being without any merit.

8. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

22.04.2026
Sunil Chander

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No