



CWP-13848-2026 (O&M)

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

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CWP-13848-2026 (O&M)

Date of decision: 18.05.2026

Gurjeet Singh @ Gurjeet Singh Sidhu and another

....Petitioners

Vs.

Superintending Canal Officer, Ludhiana and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Jasmail Singh Brar, Advocate with
Mr. Jagdev Singh Sidhu, Advocate
for the petitioners.

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

HARSH BUNGER J. (Oral)**CM-8157-CWP-2026 and CM-8158-CWP-2026**

Prayer in the present applications is for placing on record documents as Annexure P-13 to Annexure P-15 as well as seeking exemption from filing the certified copies of the Annexures P-14 and P-15 and exemption from filing typed copy of Annexure P-14.

For the reasons mentioned in the application, the same is allowed and documents as Annexure P-13 to Annexure P-15 are taken on record, subject to all just exceptions.

Applications are accordingly disposed of.

Main Case

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari, for setting aside the order dated 07.01.2026 (Annexure P-7) passed by learned Divisional Canal Officer, Bathinda and order dated



30.03.2026 (Annexure P-9) passed by learned Superintending Canal Officer, Ludhiana Canal Circle, Ludhiana.

2. Briefly, respondents No.3 and 4 filed an application before the Canal Authorities seeking change of alignment of running watercourse. The said application submitted by respondents No.3 and 4 came to be allowed by learned Divisional Canal Officer, vide order dated 08.05.2025 (Annexure P-5). However, an appeal filed by the petitioners before the learned Superintending Canal Officer, came to be allowed vide order dated 17.06.2025 (Annexure P-6) and the matter was remanded to the learned Divisional Canal Officer, with the following directions:-

“After examining the entire record and considering the facts, this court has reached the conclusion that the decision of the Divisional Canal Officer dated: 08/05/2025 does not seem correct because at the time of changing the canal watercourse alignment, the command of the respondent's land from the proposed watercourse was not clarified, because the proposed watercourse has been approved from about 90 Karams on the west side, and as shown in the map included in the file, it also has 2-3 bends. Therefore, the file is remanded to the Divisional Canal Officer, Bathinda Canal and Ground Water Division, Bathinda, with the instruction that for the better irrigation of the appellant's land, the levels of the proposed watercourse should be checked, and after examining the levels, a new, reasoned decision should be issued. This decision is made under Section 30 B(3) of the Northern India Canal and Drainage Act 8 of 1873, Punjab Amendment Act 23, 1965.”

2.1 Upon remand, the learned Divisional Canal Officer, again decided the matter vide order dated 07.01.2026 (Annexure P-7) and directed change of alignment of watercourse. Thereafter, the appeal filed by the

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petitioner against the said order dated 07.01.2026 (Annexure P-7) was disposed of vide order dated 30.03.2026 (Annexure P-9), whereby the order passed by learned Divisional Canal Officer, was modified by observing as under:-

“After examining and considering all the facts, it is clear that the decision of the Divisional Canal Officer, Bathinda Canal and Ground Water, Bathinda, is not correct. Therefore, the decision of the Divisional Canal Officer, Bathinda Canal and Ground Water, Bathinda, dated 02-12-2025, is modified for the reasons below, and a new watercourse M.K.L.G. is approved because, firstly, the length of the newly approved watercourse M.K.L.G. is less, secondly, it has fewer bends, and thirdly, according to the levels, it will have better command, resulting in better irrigation. This decision is made under Section 14(3) of the Canal Act 2023.”

3. In the aforementioned circumstances, present writ petition has been filed before this Court, for seeking relief(s), as noticed hereinabove.

4. Learned counsel appearing for the petitioners submits that the Canal Authorities below have erred in law and facts in passing the impugned orders as no proper procedure as envisaged under the Punjab Canal and Drainage Act, 2023, was followed and the proceedings have been carried out in an arbitrary manner.

5. Mr. Judgepreet Singh Warring, Advocate appears and files Power of Attorney on behalf of respondents No.3 and 4 in Court today, which is taken on record, subject to all just exceptions. He very fairly submits that in fact the matter is required to be re-looked at the hands of the



learned Divisional Canal Officer, as there are various infirmities in the procedure adopted below.

6. Learned State counsel has not opposed the aforesaid course being adopted and submits that no proper zimni orders are available on the case file.

7. Keeping in view the aforesaid stand taken by respective parties and also broad consensus arrived at between the respective parties, the present writ petition is partly allowed and the order dated 07.01.2026 (Annexure P-7) passed by learned Divisional Canal Officer, Bathinda and order dated 30.03.2026 (Annexure P-9) passed by learned Superintending Canal Officer, Ludhiana Canal Circle, Ludhiana ***are set aside*** and the matter is remitted to the learned Divisional Canal Officer, for deciding the matter afresh, in accordance with law after affording due opportunity of hearing to all the concerned parties.

7.1 The parties are directed to appear before learned Divisional Canal Officer, concerned on 25.05.2026 or any other date as may be fixed by him.

7.2 It is further made clear that the learned Divisional Canal Officer, shall decide the matter purely on the merits of the case without being influenced by anything observed in the order dated 07.01.2026 (Annexure P-7) passed by learned Divisional Canal Officer, Bathinda and order dated 30.03.2026 (Annexure P-9) passed by learned Superintending Canal Officer, Ludhiana Canal Circle, Ludhiana.

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7.3 It is further directed that the learned Divisional Canal Officer, shall decide the matter expeditiously and preferably within a period of three months from the date of appearance of concerned parties.

7.4 It is further directed that if any concerned party files an appeal against the order which may be passed by the learned Divisional Canal Officer, then the learned Appellate Authority shall make an earnest endeavour to decide the appeal (if any) preferably within a period of four months from the date of filing of the appeal.

8. The present writ petition is disposed of in aforesaid terms.

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

18.05.2026*ankit***(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No