



CWP-33747-2025 (O&M)

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

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CWP-33747-2025 (O&M)

Date of decision: 05.05.2026

Sukhpal Singh

....Petitioner

Vs.

Superintending Canal officer, Ludhiana and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Gagandeep S. Sandhu, Advocate
for the petitioner.

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

HARSH BUNGER J. (Oral)

1. Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari, for setting aside the order dated 14.05.2025 (Annexure P-11) passed by learned Superintending Canal Officer, Ludhiana.

2. Briefly, the petitioner is stated to have purchased 06 kanal - 01 marla land from respondent No.3 (Billu Singh) in the year 2001, out of land comprised in khasra Nos. 1272/2/2, 1272/3 and 1273/5. Petitioner claims to be shareholder in outlet No.151639/TL, Phool Rajbaha.

3. It transpires that in partition proceedings, the petitioner was allocated land comprised in khasra Nos. 1272/2/6, 1272/3/5 and 1273/5. It is claimed that as per the partition proceedings, khasra No.1273/4(OK-06M) was left for rasta and khaal (watercourse), which was going to the fields of the petitioner. Petitioner claims that for providing this khaal (watercourse), a deduction was made from the petitioner's land as well.

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4. It is stated that the partition order dated 02.05.2011 (Annexure P-1), came to be reflected in the revenue records by way of mutation No.8927 (Annexure P-2). However while doing so, khasra No.1273/4(0K-06M) was reflected only as a rasta and no entry regarding khaal (watercourse) was made.

5. It is stated that the petitioner sought correction of the aforesaid mutation No.8927, whereupon the Revenue Authorities sanctioned another mutation No.9989 (Annexure P-3), wherein rasta and khaal (watercourse) was entered in khasra No.1273/6(0K-06M).

6. It appears that on an objection being raised by the private respondents herein, the aforesaid mutation No.9989 (Annexure P-3) has been rejected vide order dated 09.06.2023. It is noticeable that the aforesaid order dated 09.06.2023 has not been placed on record for the reasons best known to the petitioner.

7. Be that as it may, the petitioner is stated to have filed an appeal against the order dated 09.06.2023 before the learned Additional Deputy Commissioner, Bathinda, who vide order dated 07.03.2024 is stated to have remanded the matter to the learned Assistant Collector 1st Grade, Talwandi Sabo, for deciding the mutation No.9989 (Annexure P-3) afresh. Even the said order dated 07.03.2024 has not been placed on record. Petitioner claims that the presently the matter is pending before the learned Assistant Collector 1st Grade, Talwandi Sabo.

8. On the other hand, the petitioner is stated to have submitted an application before the Canal Authorities for provisioning of nakka on the

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kacha khaal (watercourse), which was reflected in khasra No.1273/6(OK-06M). However, on 08.09.2022, the private respondents herein, illegally demolished the watercourse, which was going to the fields of the petitioner through khasra No.1273/6(OK-06M).

9. It is stated that in the aforementioned circumstances, the petitioner submitted an application before the Canal Authorities seeking restoration of the demolished khaal (watercourse), which was allowed vide order dated 27.06.2023 (Annexure P-5) passed by learned Divisional Canal Officer.

10. Feeling aggrieved against the order dated 27.06.2023 (Annexure P-5), the respondent No.3 (Billu Singh), filed an appeal before the learned Superintending Canal Officer, who vide order dated 22.09.2023 (Annexure P-6), remanded the matter to the learned Divisional Canal Officer, to decide the matter afresh.

11. That upon remand, learned Divisional Canal Officer, rejected the prayer of the petitioner for restoration of the demolished khaal (watercourse) vide order dated 22.12.2023 (Annexure P-7).

12. Still aggrieved the petitioner preferred an appeal against the aforesaid order dated 22.12.2023 (Annexure P-7), before the learned Superintending Canal Officer, which was also dismissed vide order dated 09.04.2024 (Annexure P-9).

13. Thereafter, the petitioner approached this Court by filing a writ petition bearing CWP No.28127 of 2024, which was disposed of by this Court vide order dated 04.11.2024 (Annexure P-10) and the matter was

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remitted to the learned Superintending Canal Officer, to decide the application seeking condonation of delay in filing the appeal by the petitioner against order dated 22.12.2023 (Annexure P-7).

14. Thereafter, the learned Superintending Canal Officer, condoned the delay and after hearing the matter, dismissed the appeal filed by the petitioner vide order dated 14.05.2025 (Annexure P-11).

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

16. I have heard the learned counsel for the petitioner and perused the paperbook with his able assistance.

17. Apparently, an application submitted by the petitioner before the Canal Authorities seeking restoration of the demolished watercourse has been dismissed by learned Divisional Canal Officer, vide order dated 22.12.2023 (Annexure P-7), by observing as under:-

“xxx

xxx

xxx

After reading all these facts, the court has come to the conclusion that no clear evidence has been presented by the applicants regarding the running of Khaals A-B and the condition of Khaal is not clear from the record of turn of water. As present situation, this purchased area of the applicant is adjacent with his inherited land and account number 99 is allotted with pakka khaal. From which better irrigation of the appellant can be done. The instructions of Hon'ble Principal Secretary, Water Resources Department of Punjab Memo No. 961/CE/Canal/2023 dated 29.09.2023 were read. After considering all the facts, the court has come to the conclusion that the two appeals cannot be allotted to one chunk of land,



therefore the demand for restoration of khaal A-B is rejected as per the situation of the case.”

18. Even an appeal being filed by petitioner against the aforesaid order dated 22.12.2023 (Annexure P-7) has also been dismissed by learned Superintending Canal Officer, vide order dated 14.05.2025 (Annexure P-11), by observing as under:-

“xxx

xxx

xxx

After going through all the facts and examining the records it is clear that the decision of the Divisional canal officer, Bathinda, Canal and ground water division, Bathinda, dated 22.12.2023 is correct, because the Permanent khaal is connected to the part of land of the Appellant and his turn is also mentioned in Khata no. 99. The area in which Appellant is demanding the restoration of the Demolished khaal. That khaal is part of the that division and the case is pending for that division. Apart from this no evidence has been presented by the Appellant regarding the operation of the abovesaid khaal, the Appellant's Part of land is connected, in view of the approved Account/Map and the in use of more than allotted khaal of the land from the kanal the appeal of the Appellants is dismissed and the decision of the Divisional canal officer, Bathinda, Canal and ground water division, Bathinda, dated 22.12.2023 is upheld”

19. A perusal of above extracted orders would show that the prayer of the petitioner for restoration of the watercourse has been rejected on the following grounds:-

- (i) that there is no material evidence regarding running of the watercourse/khaal A-B nor its existence is clear from the *warabandi*;



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- (ii) that the area purchased by the petitioner in the year 2001 is adjacent to his other land, which is already receiving irrigation from a *pakka* watercourse at serial No.99;
- (iii) that the area, in which the petitioner is seeking restoration of alleged watercourse, the same is the subject matter of pending litigation.

19.1 Keeping in view the aforementioned factors, the Canal Authorities have held that two khaals (watercourse) cannot be allotted to one parcel of land, accordingly the prayer of the petitioner for restoration of khaal A-B has been rejected.

20. Before this Court, learned counsel appearing for the petitioner has failed to dislodge the aforesaid observations on which the prayer of the petitioner for restoration of the watercourse has been rejected.

21. That apart, learned counsel for the petitioner has not been able to point out as to what prejudice has been caused to the petitioner especially considering the fact that the area purchased by the petitioner in year 2001 is adjoining to his other landholding, which is already getting canal water at serial No.99.

22. Considering the totality of circumstances, I see no compelling reasons which may warrant interference by this Court. Resultantly the instant writ petition fails and the same is accordingly ***dismissed***.

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

(HARSH BUNGER)
JUDGE

05.05.2026
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No