

**CWP-38894-2025 (O&M)**

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

123**CWP-38894-2025 (O&M)****Date of decision: 17.03.2026****Pyare Lal**

....Petitioner

Vs.

**Superintending Canal Officer, Bhakra Water Services
Circle, Kaithal and others**

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Kiran Pal Singh, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

HARSH BUNGER J. (Oral)

1 Petition herein is, seeking a writ in the nature of Certiorari, for setting aside the order dated 30.06.2025 (Annexure P-6) passed by learned Sub-Divisional Canal Officer, Sub Division Uchana, District Jind, whereby a direction has been issued for restoration of dismantled watercourse for a period of 6 months.

1.1 A further prayer has been made for setting aside order dated 16.10.2025 (Annexure P-8) passed by learned Superintending Canal Officer, Kaithal, whereby the order dated 19.08.2025 (Annexure P-7) passed by learned Divisional Canal Officer, Narwana has been set aside and watercourse at point A-B has been restored for unlimited period.



1.2 Another prayer has been made for upholding the order dated 19.08.2025 (Annexure P-7) passed by learned Divisional Canal Officer, Narwana.

2. Briefly, respondent No.4 – Banwari filed an application seeking restoration of dismantled watercourse at point-AB; wherein notice was issued to the petitioner. Petitioner appeared in the said proceedings and got recorded his statement that a lined watercourse from point-A to D (as depicted in site plan/Annexure P-1) along with the path was running into the field of the respondent No.4 and that they are already irrigating their land from point-E; accordingly prayer for rejection of the application submitted by respondent No.4 was made.

3. The aforesaid matter was considered by the learned Sub-Divisional Canal Officer, who inspected the site on 27.06.2025 and found the watercourse in dispute (A-B) demolished at the site; accordingly the learned Sub Divisional Canal Officer vide order dated 30.06.2025 (Annexure P-6) observed that the watercourse in dispute falls within the ambit of “temporary water course” as defined under Section 2(12) of the Haryana Canal and Drainage Act, 1974 (in short 1974 Act); and a direction was issued to restore the demolished watercourse for a period of 6 months.

4. Feeling aggrieved against the order dated 30.06.2025 (Annexure P-6), petitioner preferred an appeal before the learned Divisional Canal Officer which was allowed vide order dated 19.08.2025 (Annexure P-7) and the order dated 30.06.2025 (Annexure P-6) was set aside.



5. Feeling dissatisfied, respondents No.4 and 5 preferred a revision before the learned Superintending Canal Officer, Kaithal, who vide order dated 16.10.2025 (Annexure P-8), set aside the order dated 19.08.2025 (Annexure P-7) passed by learned Divisional Canal Officer and further directed restoration of watercourse for unlimited period.

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

7. Heard.

8. The learned Superintending Canal Officer, Kaithal took note of the fact that as per the *warabandi* of the year 1992, the *nakka* of respondents No.4 and 5 herein was sanctioned at serial No.20 with taking point at killa No.16//13x18 and delivery point at killa No.21//9x13, which established that the disputed watercourse was sanctioned and running since year 1991-92, which was more than 30 years; therefore, the same falls under the definition of “permanent watercourse”. The learned Superintending Canal Officer placed reliance upon the judgments rendered by this Court in case of ***Kundan Lal Vs. Superintending Canal Officer and others, 1971 PLJ 340; Manoj Vs. State of Haryana & others and Ram Kumar Vs. State of Haryana & others*** and observed that once the existence of watercourse over a long period is established through *warabandi* records, its demolition by private owner cannot extinguish the rights of other shareholders to receive irrigation through it.

8.1 Accordingly, the learned Superintending Canal Officer vide its order dated 16.10.2025 (Annexure P-8) set aside the order dated 19.08.2025 passed by learned Divisional Canal Officer, Narwana and ordered that the



demolished watercourse (A-B) be restored to its original site for unlimited period.

9. The learned counsel appearing on behalf of the petitioner has failed to dislodge the aforesaid observations made by the learned Superintending Canal Officer by referring to any material whatsoever.

10. At this stage, a submission has been raised by the learned counsel for the petitioner that the learned Sub-Divisional Canal Officer had ordered restoration of the watercourse for a period of six months and the said order was not challenged by respondents No.4 and 5, therefore, they were satisfied with the order of the learned Sub-Divisional Canal Officer, which granted restoration for a period of six months only whereas, the learned Superintending Canal Officer ordered restoration of the watercourse “permanently”, which is not permissible in law.

11. I have considered the aforesaid contention raised on behalf of the learned counsel for the petitioner as well, however, I find no merit in the same. The order passed by the learned Superintending Canal Officer is well-reasoned and based upon settled principles of law. From the attending circumstances, learned Superintending Canal Officer has come to the conclusion that the watercourse in question is duly reflected in the *warabandi* records for the year 1992 and the watercourse has been running from the last more than 30 years; accordingly, the same would fall within the definition of “permanent watercourse”.

11.1 While considering the case in hand, if learned Superintending Canal Officer has come to a conclusion based upon relevant records that watercourse in question is running for last more than 30 years and qualifies



as a 'permanent watercourse' and in order to do complete justice to the parties, if the watercourse in question has been ordered to be restored permanently, then no fault can be found with the same.

11.2 Moreso, it has not been shown from any material on record that the finding returned by the learned Superintending Canal Officer are perverse.

12. Considering the totality of circumstances, I see no compelling reason which may warrant interference by this Court; resultantly the instant petition fails and same is accordingly dismissed.

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

(HARSH BUNGER)
JUDGE

17.03.2026
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No