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******* Vs. Superintending Canal Officer and Others**

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Court : Punjab and Haryana

Decided On : Sep-13-2013

Appellant : *****

Respondent : Superintending Canal Officer and Others

Judgement :

CWP No.20332 of 2013 -1- IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH ***** CWP No.20332 of 2013 Date of Decision:

13. 09.2013 ***** Harlal and another .

.Petitioners Versus Superintending Canal Officer and others .

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Respondents ***** CORAM: HONBLE MR.JUSTICE RAKESH KUMAR JAIN ***** Present: Mr.P.S.Jammu, Advocate, for the petitioneRs.***** RAKESH KUMAR JAIN, J.

Petitioners have challenged orders dated 19.2.2013 passed by respondent No.2; and 29.7.2013 by respondent No.1 in this petition.

The only issue raised by the petitioners is that the respondents have demolished water-couRs.from point A to B running from the last 40 years which is required to be restored.

After hearing learned counsel for the petitioners and on perusal of the record, I have found that there is no error in the order passed by the Superintending Canal Officer, who has observed as under: - Heard both the parties at length.

Perused the case file minutely.

CWP No.20332 of 2013 -2- From the perusal of the records, decision of the Divisional Canal Officer, SiRs.report of the Ziledar and examination of khaka plan it is clearly established that there is sanctioned and running and lined water couRs.marked CD.

in khaka plan which touches the fields of the appellants and a pucca Nakka has also been constructed at site as per the orders of the authority under the Canal Act.

The alleged water couRs.AB.

is unlined and further it bifurcates the land holding of the respondents.

The appellant can get better irrigation from the lined water couRs.CD.

already in existence and operation.

The Division bench of Honble Punjab and Haryana Court in the case titled Ram Singh Versus The Sub Divisional Canal Officer, Kaithal W/S Sub Divisional, SiRs.and others CWP No.13206 of 2002.

CWP No.20332 of 2013 -3- has clearly held that if the holding of the petitioner can well be irrigated from other sources and that being so there was no justification for to restore demolished water couRs.under Section 24 of the Canal Act.

In view of the above discussion, the revision is dismissed, consequently, the order dated 19.2.2013 of Divisional Canal Officer, SiRs.W/S Division, SiRs.is upheld.

Once, it has been found that there is a sanctioned lined water-couRs.marked CD.

touching the fields of the petitioners and a pucca nakka has been constructed at the site, the insistence of the petitioners for getting water-couRs.from point A to B

passing through the land of the respondents bifurcating the same, is not acceptable.

Hence, the present petition is found to be without any merit and the same is hereby dismissed.

(RAKESH KUMAR JAIN) 13.09.2013 JUDGE Vivek Pahwa Vivek 2013.09.17 13:45 I attest to the accuracy and integrity of this document

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