

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

**C.W.P. No.4571 of 2012
Date of Decision: March 30, 2012**

Gurcharan Singh

... Petitioner

Versus

State of Punjab and others.

.. Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Jaspreet Singh Brar, Advocate,
for the petitioner.

Paramjeet Singh, J.

The instant writ petition has been filed by the petitioner under Articles 226/227 of the Constitution of India for quashing of order dated 22.09.2010 (Annexure P/1) passed by respondent No.3 – Divisional Canal Officer, Sidhwan Canal Division, Ludhiana (hereinafter referred to as the “DCO”) and order dated 23.06.2011 (Annexure P/2) passed by respondent No.2 – Superintending Canal Officer, Sirhind Canal Circle, Ludhiana, (hereinafter referred to as the “SCO”) whereby application of the petitioner for restoration of watercourse in dispute has been declined.

Brief facts of the case are that petitioner along with other persons moved an application that they are shareholders in outlet No.13156/R and their turns of water are permanently fixed over it. The watercourse has been demolished by Sukhminder Singh and Bhupinder Singh sons of Harbans Singh due to which irrigation of the

petitioner has been affected. After enquiry from the Zileadar and the Sub Divisional Officer, Moga, the DCO vide order dated 22.09.2010 (Annexure P/1) came to the conclusion that watercourse shown at A,B,C,D,E,F,G is still in existence and the turn of water is fixed on this outlet. The said finding has been affirmed by the SCO vide order dated 23.06.2011 (Annexure P/2). Hence, this writ petition.

I have heard learned counsel for the petitioner and perused the record.

The specific case of the petitioner is that Sukhminder Singh and Bhupinder Singh sons of Harbans Singh have demolished his watercourse. Sukhminder Singh and Bhupinder Singh have not been impleaded as a party in the present writ petition. Now, the petitioner is alleging that the watercourse has been demolished by private respondents - Sukhjinder Singh, Karnail Singh, Nahar Singh etc.. They are altogether different persons. Learned counsel for the petitioner has failed to show the site plan, as well as, the warabandi to indicate the existence of the watercourse allegedly demolished by the Sukhjinder Singh etc. Learned counsel further failed to show the points where nakka giving and nakka taking are affixed and at which khasra number, those points were fixed.

The concurrent finding of fact has been recorded by the Canal Authorities that A,B,C,D,E,F,G watercourse is in existence which comes up to the land of the petitioner and turn of water of the petitioner is fixed on that watercourse. Since, alleged demolished watercourse was not in existence, there is no question of restoration of the alleged watercourse.

In view of the above, I do not find any ground to interfere

in the impugned orders passed by the DCO, as well as, the SCO.

Therefore, the instant writ petition fails and is dismissed in limine.

March 30, 2012

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**(Paramjeet Singh)
Judge**