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

**CWP-28779-2025 (O&M)
Date of Decision: 25.09.2025**

Baljit Singh and another

....Petitioners

Versus

Sub Divisional Officer and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Ms. Samiksha, Advocate and
Mr. Rimpaljeet Singh, Advocate
for the petitioners.

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

HARSH BUNGER, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India *inter alia* seeking a writ in the nature of Certiorari for setting aside order dated 28.05.2025 (Annexure P-3) passed by learned Sub Divisional Canal Officer, Mansa whereby he has ordered restoration of the watercourse from Point A to Point B in Killa No.9//17-24, 10//14/1.

1.1 A further prayer has been made for setting aside order dated 21.08.2025 (Annexure P-4) passed by learned Divisional Canal Officer, Mansa whereby, an appeal preferred by the petitioners, against order dated 28.05.2025 (Annexure P-3), has been dismissed.

2. Briefly, respondent No.3- Jeet Singh filed an application before the canal authorities with a prayer for restoration of the demolished watercourse on the plea that on the night of 25.04.2025, the present petitioners namely Kuldeep Singh s/o Baljit Singh etc. had demolished the



khal which was duly recorded in the records of the department.

2.1 Upon receipt of the aforesaid application from respondent No.3-Jeet Singh, the matter was got enquired from the field staff, who submitted their report. The learned Sub Divisional Canal Officer, upon consideration of the matter, ordered restoration of the demolished watercourse, vide order dated 28.05.2025 (Annexure P-3) by observing as under:-

“On perusal of the reports and records of the field staff involved in the case, it was found that the Khaal at point A-B has been demolished from the eastern side of the consolidation Killa No 9//17-24 10//4/1, which is also proved by verified warrabandi by the AC Mansa and map records attached with the file in the case. The demolition of this Khaal is causing damage to the arable land of the applicant. The opposition party has also admitted in its statements that the Khaal has been demolished by them. Therefore, in view of the records and reports of the field staff, the demolished Khaal point A-B is restored on the eastern side of the old boundary of the consolidation Killa No 9//17-24 10//4/1. This decision has been made under section 20(3) of the Punjab Canal and Drainage Act 2023.”

2.2 Being dissatisfied, the petitioners preferred an appeal before learned Divisional Canal Officer, however, the same has also been dismissed vide order dated 21.08.2025 (Annexure P-4), by observing as under:-

“The map and warabandi was attached with file is prepared as per warbandi record, regarding which a new map was prepared by the illaka Jiledar in accordance with the situation on the spot. The reports and maps of the field staff were read. On reading the records included in the case, it was found that the Khaal point A-B has been demolished from the eastern side of the Consolidated Killa No 9//17-24 10//4/1, which is included in the record and map record verified by the AC Mansa included in the case. The appellant party has not



presented any evidence/document to the court to prove that the Khaal is not running in the record. The demolition of the Khaal is causing loss to the irrigation of the respondent party, which is not in the interest of natural justice. The decision made by the Sub-Divisional Officer Bhaini dated 28/05/2025 has been corrected and justified on the basis of facts. Therefore, the decision of the Sub-Divisional Officer Bhaini dated 28/05/2025 is upheld. Khal Point A-B consolidated No. 9//17-24 10//4/1 is restored on the eastern side. The appeal is dismissed. This decision has been made section 20(4) of the Punjab Canal and Drainage Act, 2023.”

3. In the aforementioned circumstances, the petitioners have filed the instant writ petition before this Court for seeking relief(s) as noticed hereinabove.

4. Heard.

5. A perusal of the orders passed by the canal authorities would show that as per the reports received from the field staff, it was found that the watercourse from Point A to Point B had been demolished from the eastern side of the Killa No.9//17-24 and 10//4/1, which was duly proved from the warabandi records.

6. It appears that before the authorities, the petitioners had also admitted in their statements that the watercourse has been demolished. Considering the totality of circumstances, the canal authorities have ordered restoration of the watercourse.

7. It is well settled that warabandi is the best evidence to see existence of a watercourse at the site. In this regard, reference can be made to ***Brij Lal v. State of Punjab, 1985 RRR 76***; this court held as under:-

“...What is more in the written statement filed on behalf of respondents Nos. 1 to 3, it has been clearly mentioned that on the water course warabandi has been sanctioned in favour of



the aggrieved share-holders under Section 68 (4) of the Act to which no objection had been taken by the petitioner at any stage. In view of the above fact either by implication the water-course would be taken as a sanctioned water course or in any case it would be taken that the petitioner had agreed to the use of the said water-course by the respondent-shareholders and that is why no objection had been raised when the department sanctioned warabandi on the said water course giving right to the respondent shareholders to take water through that water course to their fields...”

7.1. In **Ram Kumar v. Superintending Canal Officer, Bhakra; 2017(1) Law Herald 292**; this court held as under:-

“5. Zileदार had clearly mentioned in his report that he visited the spot on 21.4.2012 and found the dismantled watercourse in question. Even the SDO, W/S Sub Division, Adampur reiterated the aforementioned fact after the site inspection. It is settled law that the watercourse running more than twenty years and dismantled, then the same can always be restored.

6. The Warabandi record and sketch plan dated 31.7.1971 noticed by the authorities clearly depicted that the watercourse in question was in existence, therefore, was covered under the provisions of Section 2 (15) of 1974 Act...”

7.2. In **Ajit Singh v. Superintending Canal Officer, 2017(1) RCR (Civil) 279**; this court held as under:-

“6. There is no document placed on record with regard to the turn of water from which it can be inferred that petitioners were taking nakka from particular khasra number and they were giving nakka to respondent no.4. The warabandi is the best document to prove nakka taking and nakka giving which has been withheld. Since there is no document on record, it cannot be inferred that watercourse was existing at any point of time...”

8. From the perusal of the aforesaid judicial pronouncement(s), it



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is evident that warabandi is the best document to prove the existence of the watercourse.

9. Once there is a duly sanctioned *warabandi* indicating the existence of the watercourse, that would mean that the petitioners had permitted respondent No.3 to take water from the watercourse in question and in those circumstances, it has to be taken that the watercourse in question is running by way of agreement between the parties which would be covered under the definition of watercourse as defined under Section 3 of the Northern India Canal and Drainage Act.

10. In view of the above, I find no compelling reason to interfere in the impugned orders. Resultantly, the instant writ petition fails and the same is, accordingly, dismissed.

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

25.09.2025

Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No