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

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Date of decision: 13.05.2026

Mithu Singh

....Petitioner

Vs.

**Superintending Canal Officer, Sirhind Canal Circle,
Ludhiana and others**

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Surinder Garg, 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 06.11.2025 (Annexure P-1) passed by learned Divisional Canal Officer, Bathinda and order dated 19.01.2026 (Annexure P-3) passed by learned Superintending Canal Officer, Sirhind Canal Circle, Ludhiana.

2. Briefly, respondents No.3 and 4 herein approached the Canal Authorities with the prayer for changing the alignment of the watercourse from the outlet Burji No.4860/T.L, Wara Bahika Sub Minor, village Wara Bhaika, Tehsil Jaitu, District Faridkot, on the plea that the watercourse was sanctioned on the common watt (boundary) of khasra Nos. 294-295-296-297-298 and 299-300-301-260-261; and it should be running at the same spot, however with the passage of time, the alignment of

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said watercourse has been changed and some part has come into the area of respondents No.3 and 4 and some in the area of present petitioner.

2.1 Upon receipt of the aforesaid application by the Canal Authorities, the matter was got inquired into and after the consideration of the matter, the learned Divisional Canal Officer, vide order dated 06.11.2025 (Annexure P-1), allowed the prayer of the respondents No.3 and 4, by observing as under:-

“Decision: The case was again considered on dated 06.11.2025 and the documents of the case filed before Ld. Civil Judge, Jaitu were also seen and after consideration, no stay of any kind was granted by the Ld. Court. This case was filed before Ld. Civil Court, Jaitu regarding ownership of the land and the dispute between both parties is regarding demarcation. No statement was recorded by both the parties regarding existence/non-existence of the Plati/warabandi watercourse. After considering all the facts regarding case, this Court has reached the conclusion that the applicant submitted application before Tehsildar Jaitu and got done measurement of his Khasra Nos. 294, 295, 296, 297 & 298 from Halqa Kanuo and Patwari. As per measurement 1/1/2 Karams from Khasra No. 294, 1/1/2 Karams from Khasra No. 295, 2 Karams from Khasra No. 296, 2 Karams from Khasra No. 297 towards the applicant and 2/1/2 Karams from Khasra No. 298 comes towards the other party and it extends upto the common watt. Also, as per the map, attached to the case file, the watercourse is running on the common watt of 301, 302 and Khasra Nos. 294, 295, 296, 297. As per the statement of the applicant, record, the alignment of the watercourse laid in accordance with the demarcation stones placed by the Revenue Department after measurement of both the parties, the alignment of 1 Karam wide watercourse is

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restored on common watt at land of common watt in Killa No. 294-302, 295-301, 296-300, 297-299, 298-260, 261.”

2.2 Feeling aggrieved against the aforesaid order dated 06.11.2025 (Annexure P-1), the present petitioner preferred an appeal before the learned Superintending Canal Officer, which has been dismissed vide order dated 19.01.2026 (Annexure P-3), by observing as under:-

“Decision: Today, on dated 19.01.2026, the case file was re-examined. The documents which are part of the case file, reports from the field staff and the order dated 06.11.2025 passed by the Divisional Canal Officer, Bathinda Canal and Ground Water Division, Bathinda, were carefully reviewed. The appeal of the appellant, the arguments of both the parties presented during hearing and the submitted documents were also considered. After considering and reviewing all facts, it is clear that the Kacha watercourse, alignment of which has been changed is a sanctioned watercourse as per Warabandi and as per Warabandi record, it is running on the common watt of the appellant and respondent parties. At present, there is a dispute regarding ownership between the both the parties and demarcation has been got conducted by both the parties but they are not agreeing with this demarcation. In view of the warabandi record, the decision of Divisional Canal Officer, Bathinda Canal and Ground Water Division, Bathinda regarding change of alignment of watercourse is correct and is in better interest of irrigation and is therefore, upheld. Because if the watercourse is placed in the land of one party based on the demarcation instead of the common watt, it will be difficult for the other party to irrigate their land through that area. Therefore, in the greater interest of irrigation of land of all co-sharers, the appeal of the appellant is dismissed and the order/decision of the Divisional Canal Officer, Bathinda Canal

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and Ground Water Division, Bathinda, is upheld. It is instructed to the Divisional Canal Officer, Bathinda Canal and Ground Water Division, Bathinda, to appoint a Local Commission and to conduct demarcation of land of the co-sharers so that the canal watercourse can be made operational on the common watt of both parties. It is also instructed that till the decision to change the alignment is implemented on-site, the current kacha watercourse shall remain operational so that no party suffers a loss in canal irrigation. This order is passed under Section 14(3) of the Punjab Canal and Drainage Act, 2023.”

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

4. Before this Court, learned counsel appearing for the petitioner has raised only one submission that earlier, the respondents No.3 and 4 had filed a suit for possession of land measuring 02 kanal - 07 marla, wherein, the petitioner was impleaded as defendant No.1 and the officials of Canal Department were impleaded as respondents No.10 to 12. He submits that in the said suit, respondents No.3 and 4 had claimed the possession of the area from which the watercourse in question is running, however the said suit was dismissed vide judgment and decree dated 18.12.2024 (Annexure P-4), accordingly it is contended that once the suit filed in respect of the area from where the khaal (watercourse) is running has been dismissed, the Canal Authorities could not have passed the impugned order.

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

6. No doubt that the respondents No.3 and 4, filed a civil suit seeking possession of 02 kanal - 07 marla area, from which the khaal

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(watercourse) is running, however in para No.16 of the judgment and decree dated 18.12.2024 (Annexure P-4), the learned Trial Court has returned the following findings:-

“16. Though denied in the written statement filed by defendants that plaintiffs are owners in possession of land bearing khewat no.229/208, khatauni no.536, khasra no.294, 295, 296, 297 & 298 as per jamabandi for the year 2015-16 situated in the revenue estate of village Wara Bhaika, but said fact is not much in dispute. Copy of jamabandi for the year 2015-16 proved on record as Ex. P10 also reflects the plaintiffs to be owner in possession of the said land. It is further undisputed that land of defendants no.1 to 9 adjoins the aforementioned land of plaintiffs. It is also not in dispute that defendant no.1 is owner in possession of khewat no.109/96, khatauni no.293, khasra no.299, 301 and 302 and defendants no.2 to 9 are owners of land measuring khewat no.240/219, khatauni no.548, 553, khasra no.260, 261 situated in the revenue estate of village Wara Bhai Ka. It is further not in dispute that about 40 years back, Canal Department, impleaded as defendants no.10 to 12 in the present case, carved a khal for irrigation of land belonging to both the parties and other land belonging to other villagers. It is undisputed that khal was carved out just on the boundary line of the land of the plaintiffs and defendants no.1 to 9 by taking equal share of land from both the parties and thereafter, on the land of other villagers. The bone of contention in the present case is as to whether, with the passage of time, defendants no.1 to 9 have encroached upon the disputed land measuring 2 kanal 7 marlas belonging to plaintiffs or not and whether defendants no.1 to 9 succeeded in shifting the water course in the land exclusively belonging to the plaintiffs.”

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6.1 A perusal of the above-extracted findings returned by the learned Civil Court would leave no manner of doubt that the watercourse in question was carved out by the Canal Authorities about 40 years back and the said watercourse was carved out on the boundary line of the land of respondents No.3 and 4 on one side and the present petitioner along with other landholders (impleaded as defendants No.1 to 9 in the civil suit) on the other side. Since the bone of the contention between the parties before the learned Civil Court was with regard to shifting of watercourse in the land belonging to the plaintiffs in the suit (respondents No.3 and 4 herein), the learned Civil Court proceeded to consider the evidence in that regard which apparently was only a demarcation report. It appears that since the said demarcation report was not proved on record as per the relevant instructions, accordingly, no relief was granted to respondents No.3 and 4 in the civil suit.

7. In my considered view, since the issue before the Canal Authorities was only as regards the exact location of the watercourse running through the land of the petitioner on one side and respondents No.3 and 4 on the other side, and the sanctioned watercourse on the common watt (boundary) between the land of the petitioner and respondents No.3 and 4, was found to be existing as a matter of fact; accordingly, the Canal Authorities directed the change in the alignment of the watercourse, at the same place, where it had originally been sanctioned by the Canal Authorities.

8. Rather a perusal of the order passed by learned Superintending Canal Officer, makes it very clear that before carrying out the change in the

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alignment of watercourse, the learned Divisional Canal Officer, has been directed to appoint local commission to conduct demarcation of the land of all the co-sharers so as to ensure that the canal watercourse is made operational on a common watt (boundary) of both the parties, where it was originally sanctioned. The aforesaid direction, in my considered view, is in the interest of all the shareholders including the present petitioner as well as respondents No.3 and 4 herein, as the same would ensure that the watercourse (regarding which the change of alignment was sought by respondents No.3 and 4) is located exactly at the place, where it was originally sanctioned.

9. Keeping in view the above, I see no compelling reason, which may warrant interference by this Court in the present proceedings. Resultantly, the instant writ petition fails and the same is accordingly ***dismissed.***

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

13.05.2026*ankit***(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No