



2026:PHHC:061094

-1-

CWP-37557-2025 (O&M)

2026:PHHC:061094



118

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

**CWP-37557-2025 (O&M)
Date of Decision: 22.04.2026**

Karnail Singh

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Ram Kumar Saini, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana along with
Mr. Vinod Verma, Divisional Canal Officer, Hisar.

Mr. B.S. Beniwal, Advocate and
Ms. Suman Beniwal, Advocate
for respondent No.7.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari for setting aside the order dated 01.04.2025 (Annexure P-8) passed by the learned Divisional Canal Officer, Adampur Water Services Division, Hisar, as well as the order dated 10.07.2025 (Annexure P-10) passed by the learned Superintending Canal Officer, Bhakra Water Services Circle-I, Hisar.

2. Vide the impugned order dated 01.04.2025 (Annexure P-8), the



appeal filed by the petitioner against the order dated 24.01.2025 (Annexure P-6), passed by the learned Sub Divisional Canal Officer, Adampur Water Services Sub Division, Adampur, has been dismissed.

3. The relevant extract of the aforesaid order dated 24.01.2025 (Annexure P-6) reads as under:-

“Decision: After receiving the case, the undersigned conducted the enquiry of the case and minutely perused all the documents attached with the case. During hearing, the plaintiff and respondent have been heard carefully. On 22.01.2025, I myself made spot inspection and found that in Killa No.90//23 & 24, two karam usable water channel is lying cut, wherein Karnail has laid down pipe beneath the earth and the same had been broken by Hansraj. In the statement, applicant has nowhere mentioned regarding laying down this pipe, but the respondent Hansraj has stated in his statement that except these two killas, all the water channels on the outlet are running above the land. He has laid down pipe in these two killas illegally. This pipe was not laid down by the irrigation department.

Therefore, in view of the above, I order to permanently open the two karam cut water channel on southern Dhol of Murabba Killa No.90//23 & 24, so that the irrigation of plaintiff may be done properly and respondent is directed to restore this water channel within 15 days. If the respondent does not restore the water channel, then action be taken against them u/s 29 of the Haryana Canal & Water Act, 1974.

Order has been made today i.e. on 24.01.2025 and information of the same be given to both the parties as per rules.”

3.1 A perusal of the above extracted order (Annexure P-6) reveals that a two karam wide open watercourse was ordered to be restored at the site in Killa Nos.90//23 and 24.



4. However, the petitioner's claim for restoration of the watercourse through an underground pipeline has been declined by the learned Divisional Canal Officer, Adampur Water Services Division, Hisar, as well as by the learned Superintending Canal Officer, Bhakra Water Services Circle-I, Hisar, vide orders dated 01.04.2025 (Annexure P-8) and 10.07.2025 (Annexure P-10), respectively.

5. During the course of hearing of the present writ petition, on 23.03.2026, the following order was passed by this Court:-

“ List on 22.04.2026.

Learned State counsel is directed to produce in Court the original record of the case on the next date of hearing.

Concerned officer, who passed the order dated 03.06.2024 (Annexure P-4), is directed to remain present in the Court on the date fixed.”

6. In compliance of the aforesaid order dated 23.03.2026, Mr. Vinod Verma, Divisional Canal Officer, Hisar, is present in Court today. He has apprised this Court that a two karam wide watercourse, open to the sky, existed at the site and that the petitioner had installed the underground pipeline without obtaining permission from the concerned department. The aforesaid fact also stands recorded in the order dated 03.06.2024 (Annexure P-4) passed by the learned Divisional Canal Officer, Adampur Water Services Division, Hisar.

6.1 Mr. Vinod Verma, Divisional Canal Officer, Hisar, has further handed over in Court a photocopy of the order dated 08.05.2025 passed by the learned Civil Judge (Junior Division), Hisar, which is taken on record, subject to all just exceptions. The relevant extract of the said order dated 08.05.2025 reads as under:-

“ Power of attorney on behalf of respondents no.1 to 4



filed. At this stage, learned counsel for applicant vide his separate statement stated that the pipe line embedded by applicant Karnail Singh in watercourse passing through killa no.90/23 and 90/24 will be uprooted by him. Further, he stated that stay application to the extent of restoration watercourse is also allowed by the court.

Upon this learned counsel for respondent Sh. D.S. Bishnoi vide his separate statement stated that upon removal of pipe line by the applicant he will not interfere in open watercourse and its usage by the applicant. Heard. Now to come upon 21.05.2025 for filing reply on behalf of respondent no.1 to 4.”

7. A perusal of the above extracted order dated 08.05.2025 passed by the learned Civil Judge (Junior Division), Hisar, shows that before the Civil Court, the petitioner herein had made a categorical statement that the pipeline embedded by him in Killa Nos.90//23 and 24 would be uprooted by him.

8. Faced with this situation, learned counsel for the petitioner submits that he may be permitted to withdraw the instant writ petition.

9. Keeping in view the aforesaid submission made by learned counsel for the petitioner, the present writ petition is dismissed as withdrawn.

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

22.04.2026
Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No