

CWP No. 15720 of 2012

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 15720 of 2012
Date of Decision : 09.12.2015

Jaswant Singh

...Petitioner

Versus

S.C.O., Ferozepur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) *Whether Reporters of the local papers may be allowed to see the judgment?*
- 2) *To be referred to the Reporters or not?*
- 3) *Whether the judgment should be reported in the Digest?*

Present: Mr. I.S. Brar, Advocate for the petitioner.

Mr. S.S. Chandumajra, Addl. A.G., Punjab.

Mr. R.K. Girdhar, Advocate for respondent No. 3.

Paramjeet Singh, J.(Oral)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari thereby quashing the order dated 18.07.2012 (Annexure P-6) passed by Superintendent Canal Officer, Ferozepur Canal Circle, Ferozepur, respondent No. 1.

I need not require to narrate all the relevant facts herein. Earlier the petitioner had approached this Court vide

Civil Writ Petition No. 4592 of 2010, decided on 26.03.2012 and the order of the Superintendent Canal Officer was set-aside by observing as under:-

“Admittedly, the order of the SCO is non-speaking. He has not discussed any evidence. It appears that the order has been passed by the SCO on the basis of presumption that the respondent will get better irrigation with the change of watercourse and had granted liberty to move application to reconsider the matter. This is against the provisions of the Act. Quasi judicial authority is required to pass a speaking order referring to the evidence specifically comparative field levels where the issue is with regard to the irrigation of the land and the length of the watercourse is also to be taken care.”

In spite of specific directions passed by this Court, Superintendent Canal Officer has again passed the order without making any reference to the command statement, wherein the levels of the fields are mentioned and has also not referred to any other relevant material. In the order, no justification has been given how the irrigation will be better.

Keeping in view of the above, order dated 18.07.2012 (Annexure P-6) is set-aside. Parties through their counsel are directed to appear before the Superintendent Canal Officer on 12.01.2016. The Superintendent Canal Officer, Sh. Suman Sood, who is present in Court shall assure that he will get fresh levels of the fields and thereafter decide the matter

CWP No. 15720 of 2012

3

after taking into consideration all the reports from the concerned staff i.e. J.E. and SDO with regard to existing position at the spot. The Superintendent Canal Officer shall pass the order on or before 28.01.2016. This Court intended to impose exemplary costs as the earlier SCO has retired.

Disposed of accordingly.

December 09, 2015.
kanchan

(PARAMJEET SINGH)
JUDGE