

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

CWP No.11748 of 2015

Date of Decision:-29.05.2015

Bhola Singh & Ors.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Aakash Singla, Advocate for the Petitioners.

JASWANT SINGH, J.(ORAL)

Challenge in the present writ petition is to the orders dated 29.01.2015 (P-3) passed by respondent no.2-Superintending Canal Officer as well as the order dated 24.7.2013 (P-2) passed by the Divisional Canal Officer-respondent no.3, vide which a new Water Channel i.e. Mogha 9380/Right Khokhar Minor has been carved out.

Learned Counsel for the petitioners has argued that the orders passed by the authorities below are perverse and liable to be set aside especially because the DCO acted in undue haste, while deciding the matter because the order was passed without hearing anyone. The argument raised is that objections were invited by the Divisional Canal Officer on 24.7.2013 and the same were decided on the same date i.e. 24.7.2013. Thus, there is a blatant violation of Section 17 of the Northern India Canal and Drainage Act No.8 of 1873.

After hearing learned Counsel for the petitioners and perusing the paper book, this Court is of the considered view that the present petition is devoid of any merit and the same deserves to be dismissed.

A perusal of the file reveals that a notice was sent by the Divisional Canal Officer-respondent no.3 under Section 30-A and 30-B in accordance with the Rules. Thereafter, a proclamation was also made and some of the aggrieved parties, total numbering 24, appeared before the concerned Authority. It was only after hearing the parties, who appeared before him, the impugned order dated 24.7.2013 was passed by respondent no.3-Divisional Canal Officer, which has been rightly confirmed by respondent no.2-Superintending Canal Officer vide its impugned order dated 29.01.2015.

In view of the above, finding no merit in the present revision petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

May 29, 2015
Vinay