

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

Date of decision:17.03.2015.

Mangat Ram and others

.....Petitioners

v.

Superintending Canal Officer, BWS Circle No.1 Hissar and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.DS Bishnoi,Advocate for the petitioners
Mr.Sandeep Singh Mann,Sr.DAG Haryana for official
respondents 1 to 3
Mr.Shalender Mohan,Respondents 4 and 5

Jaswant Singh,J.(Oral)

Petitioners, who are share holders of Outlet RD.10850-R Harita Minor, residents of Village Mangali Mohabat applied for restoration of lined water course from point ABC running in Rect. Killa No.78/3 eastern side and Rect.Killa No. 73/23 dismantled by respondent nos.4-Mahender and 5-Byas Chander. The Sub Divisional Canal Officer vide order dated 28.11.2013(P-2) ordered restoration of the water course, however, the Divisional Canal Officer, Hisar vide order dated 27.8.2014(P-3) set aside the order P-2 and dismissed the application for restoration of the dismantled water course.

Upon notice respondents have put in appearance through their aforesaid respective counsel.

At the time of hearing counsel for the parties are *ad idem*

that a revision against impugned order P-3 under Section 20(3) of the Haryana Canal and Drainage Act, 1974 would be maintainable before the Superintending Canal Officer in the light of a Division Bench judgment dated 30.3.2006 of this Court rendered in CWP No.5090/2006 titled **Mohan Lal v The Sub Divisional Canal Officer and others**. Accordingly they are in agreement that the order dated 11.11.2014(P-5) passed by the Superintending Canal Officer holding that revision is not maintainable, is liable to be set aside and the petitioners relegated to the remedy of revision to be decided in accordance with law.

In view of the aforesaid agreed stand, order dated 11.11.2014(P-5) is set aside and the petitioners are relegated to seek their remedy in accordance with law. It is ordered that revision(P-4) already filed by the petitioners shall be decided by the Revisional Authority in accordance with law within two months from the date of receipt of certified copy of this order.

Disposed of.

17.03.2015.
joshi

(Jaswant Singh)
Judge