

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

**C.M. No. 1287-CWP of 2015 in
CWP No. 4186 of 2012 (O&M)**

Date of decision : 23.02.2015

Jasvir Singh & ors.

....Petitioners

V/s

Superintending Canal Officer & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vijay Sharma, Advocate
for the applicant-petitioners.

Mr. V. Ramswaroop, Addl. A.G. Pb.

Mr. R.K. Shukla, Advocate
for the respondents. No. 2 to 22.

RAJAN GUPTA J.

C.M. No. 1287-CWP of 2015

This is an application for placing on record order dated 04.11.2014. Application is allowed as prayed for. Document is taken on record as annexure P5.

CWP No. 4186 of 2012

Petitioners have assailed the order passed by Superintending Canal Officer, Patiala. Operative part whereof reads as under:-

"Filed was perused. Map was seen. Parties present were heard. Field staff was consulted. The order of Division Canal Officer was also perused. After considering above facts, it is clear that the demand of appellant is liable to be accepted because the affected land is less than 10 percent although it will not effect the size of outlet but it will affect the wari's, therefore,

as per position at spot and above facts the order of Division Canal Officer, Mansa I.B. Jawaharke does not seem to be correct. Order dated 7.9.2010 is set aside and appeal is allowed in the interest of irrigation. This order is passed u/s 30 B (3) of Northern India Canal and Drainage Act 8 of 1873.

Order pronounced."

Learned counsel for the petitioners inter alia submits that order is totally non-speaking. Appellate authority while setting-aside the order of Divisional Canal Officer has not given detailed reasons. He prays that matter be remitted to Superintending Canal Officer for decision afresh after hearing the parties.

Prayer is not opposed by learned State counsel.

A perusal of the order passed by Superintending Canal Officer shows that it does not deal with all the issues raised before him. Order is short and cryptic. Under the circumstances, same is hereby set-aside. Matter is remitted to same authority for decision afresh after hearing the parties.

Petition is allowed in these terms.

February 23, 2015
Ajay

(RAJAN GUPTA)
JUDGE