

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

CWP-24989-2014

Date of decision : 03.03.2015

GRAM PANCHAYAT SATOJ AND ORS

...Petitioners

V/S

SUPERINTENDENT CANAL OFFICER AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

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

Mr. Luvinder Sofat, AAG, Punjab
assisted by Mr. Balwinder Singh, Zileadar, Buddlada

Respondent No.3 present in person with
Mr. G. S. Bains, Advocate

JITENDRA CHAUHAN, J. (Oral)

This Civil Writ Petition filed under Article 226/227 of the Constitution of India for issuance of writ, order or direction in the nature of certiorari for quashing of order dated 20.04.2011 (Annexure P-3) and order dated 29.09.2014 (Annexure P-5).

The petitioner is aggrieved against the order dated 20.04.2011 (Annexure P-3) passed by Division Canal Officer, Lehal Divison Irrigation Branch, Patiala and order dated 29.09.2014 (Annexure P-5) passed by Superintending Canal Officer, Patiala Circle

IB Patiala whereby the appeal of the petitioner is dismissed.

The respondent No.3 is a resident of village Kanakwal moved an application for shifting of his land from outlet No.15187/R Beerak Branch, to outlet No.18643/R pertaining to the village of the petitioners. The request of the respondent No.3 was acceded to vide order 20.04.2011 (Annexure P-3).

Thereafter, the petitioner assailed the order in appeal which was subsequently dismissed by passing order 29.09.2014 (Annexure P-5).

During the pendency of the present petition a compromise has been reached between the parties whereby the respondent No.3 has referred to the original outlet No.15187/R Beerak Branch, pertaining to his village. In this regard, affidavit of respondent No.3-Gulbag Singh, filed in the Court and the same is taken on record as Mark 'A'.

On the other hand, learned State counsel on instructions states that it is only the respondent No.3 had opted for the change who has subsequently has agreed to the proposal of the Panchayat.

Learned State counsel submits that State has no objection, in case of compromise reached between the parties and the same is accepted.

In view of the compromise reached between the parties and statement made by the learned State counsel, order dated 20.04.2011

(Annexure P-3) and order dated 29.09.2014 (Annexure P-5) are hereby quashed and it is ordered that the respondent No.3 shall not draw water from outlet No.15187/R Beerak Branch earmarked to village Kanakwal.

Allowed, with the aforesaid terms.

03.03.2015

ashok

(JITENDRA CHAUHAN)
JUDGE