

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

CWP-2665-2014

Date of decision : 21.12.2015

Amandeep Singh

..... Petitioner

Vs

Superintending Canal Officer, Ferozepur Canal Circle, & others

..... Respondents

Coram : Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Surinder Garg, Advocate
for the petitioner.

Mr. Yatinder Sharma, Addl. A.G., Punjab.

Mr. K.S. Brar, Advocate, for

Mr. I.S. Brar, Advocate

for respondents No. 3 to 26.

Rakesh Kumar Jain, J. (oral)

This petition is filed to assail the validity of the order dated 27.09.2013 (Annexure P-2) passed by the Superintending Canal Officer, Ferozepur.

In brief, the petitioner moved an application for inclusion of his 6 acres of land in outlet Burji No. 25543-L Rajwaha Golewala after separating the same from outlet Burji No. 23327-L Rajwaha Golewala. Application was initially rejected by the Divisional Canal Officer, Harike Canal Division, Ferozepur but the said order was set aside by the Superintending Canal Officer, Ferozepur Canal Circle and the case was remanded back to the Divisional Canal Officer, Harike Canal Division, Ferozepur for its fresh decision.

Subsequently, the Divisional Canal Officer, Harike Canal Division, Ferozepur allowed the application of the petitioner but the said order has been set aside by the Superintending Canal Officer, Ferozepur Canal Circle and hence the present petition.

Counsel for the petitioner has submitted that the Divisional Canal Officer, Ferozepur Canal Circle has passed the order dated 10.2.2015 vide which 223 acres of land has been excluded from Burji No. 25543-L Rajwaha Golewala.

It is, thus, submitted that the case may be remanded back to the Superintending Canal Officer, Ferozepur Canal Circle to have a fresh look.

After hearing learned counsel for the petitioner and in view of the fact that there is no denial to the order dated 10.2.2015 by the State counsel, who has sought instructions in this regard from Zileadar Narpinder Singh, present in the Court.

I have heard learned counsel for the parties.

The present petition is hereby allowed and the order dated 27.09.2013 is set aside and the case is remanded back to the Superintending Canal Officer, Ferozepur to decide the same after taking into consideration the order dated 10.2.2015 passed by the Divisional Canal Officer, Ferozepur Canal Circle vide which 223 acres of land has been excluded from Burji No. 25543-L Rajwaha Golewala. The parties are directed to appear before the Superintending Canal Officer, Ferozepur, on 20.1.2016, who is further directed to pass order, in accordance

with law, as early as possible, preferably within a period of three months.

[RAKESH KUMAR JAIN]
JUDGE

21.12.2015

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