

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

CWP No.9791 of 2015

Date of Decision:-18.05.2015

Hira Singh & Ors.

.....Petitioners.

Versus

Superintendent Canal Engineer, Ferozepur Canal Circle & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. K.B. Raheja, Advocate for the Petitioners.

JASWANT SINGH, J.(ORAL)

Prayer in the present petition is for quashing the orders dated 30.10.2012 (P-1) passed by the Divisional Canal Officer, Ferozepur and order dated 16.3.2015 (P-2) passed by the Superintendent Canal Officer, Ferozepur, whereby area of respondent no.3 has been transferred from outlet no.195185R and outlet no.202100 Sirhind Feeder to 201600R Sirhind Feeder.

Learned Counsel for the petitioners has argued that the order passed by DCO on 30.10.2012 suffers from patent illegality as it was passed in their absence as no summons were issued to them as per Rules. Furthermore, the impugned orders have been challenged by the learned Counsel on the ground that the arrangement ordered by the Authorities below would result in decreasing of turn of the petitioners. Therefore, prayer was made for setting aside the impugned orders.

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 paper book would reveal that the petitioners had raised similar arguments before the Ld. SCO, including the argument that they were never served by DCO, however, Ld. SCO, vide its impugned order dated 16.03.2015 (P-2) had considered all objections raised by the petitioners at length and then correctly came to a conclusion that there was no merit in the case of the petitioners. This Court, while sitting in writ jurisdiction is required to only see as to whether there is any patent illegality in the impugned order, which is contrary to law and is not to sit as a Court of fact.

Even otherwise, this Court has gone through the impugned orders on facts as well and do not find any infirmity or illegality in the same, much less any procedural irregularity as argued by learned Counsel for the petitioners, especially when the SCO has dealt with each and every argument/objection of the petitioners in a detailed manner.

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

(JASWANT SINGH)
JUDGE

May 18, 2015
Vinay