

IN THE PUNJAB & HARYANA HIGH COURT AT
CHANDIGARH

LPA-1315-2015(O&M)

Date of decision : 20.10.2015

Hira Singh and others

... Appellants

Versus

Superintending Canal Engineer, Ferozepur and others

...

Respondents

***CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MRS. JUSTICE REKHA MITTAL***

Present: Mr.J.S.Brar, Advocate
for the appellants.

Ms.Munisha Gandhi, Addl.A.G.Punjab.

Mr.R.K.Girdhar, Advocate
for respondent No.3.

RAJIVE BHALLA, J.(ORAL)

The appellants challenge order dated 18.05.2015 dismissing their writ petition and as a consequence orders dated 16.03.2015, passed by the Superintending Canal Officer, Ferozepur and dated 30.10.2012 passed by the Divisional Canal Officer, Harike Canal Division, CC Ferozepur, respectively.

Counsel for the appellants and counsel for the contesting respondent agree that as the appellants have not been granted adequate opportunity to put forth their objections, the order passed in the writ

petition as well as order passed by the Superintending Canal Officer may be set aside and matter may be remitted to the Superintending Canal Officer for considering the appellants' objections relating to shifting of area belonging to respondent No.3 to outlet No.201600RSF, afresh and in accordance with law.

In view of the consensus between the contesting parties, the appeal is partly allowed, order dated 18.05.2015 passed in the writ petition and order dated 16.03.2015 passed by the Superintending Canal Officer, Ferozepur are set aside and the matter is remitted to the Superintending Canal Officer, Ferozepur to consider afresh and in accordance with law, the objections raised by the appellants with respect to shifting of area belonging to respondent No.3 to outlet No.201600RSF.

Parties are directed to appear before the Superintending Canal Officer, Ferozepur on 03.11.2015 who shall consider and decide the matter within two months of the receipt of a certified copy of this order.

(RAJIVE BHALLA)
JUDGE

(REKHA MITTAL)
JUDGE

October 20, 2015.
Davinder Kumar