

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.136 of 2015(O&M)
Date of Decision: January 27, 2015

Sadhu Singh and anotherAppellants
versus
The State of Punjab and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE RAJ MOHAN SINGH.

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

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1. *Whether Reporters of Local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Surya Kant, J. (Oral)

The learned Single Judge vide order under appeal dated 15.12.2014 has remanded the case to the Superintending Canal Officer to decide the appellants' appeal filed under the Northern India Canal and Drainage Act, 1873, afresh and in accordance with law.

The question to be decided by the Superintending Canal Officer would be whether any water-course was in existence, it having been left at the time of consolidation and if so, whether such a water-course has been demolished by the appellants?

In the instant appeal, the main grievance of the appellants is that in view of the observations made by learned Single judge, their claim in appeal is likely to be prejudiced.

Having heard learned counsel for the appellants, we are of the considered view that since the matter has been

remanded by learned Single Judge for afresh adjudication of the appeal by the Superintending Canal Officer, the observations made in the order dated 15.12.2014 are not to be treated as the findings of fact and the Appellate Authority, namely, Superintending Canal Officer will decide the appeal in accordance with law and uninfluenced of such observations.

The appeal stands disposed of accordingly.

Dasti.

[SURYA KANT]
JUDGE

January 27, 2015
Mohinder

[RAJ MOHAN SINGH]
JUDGE