

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.9807 of 1996
Date of decision: 29.11.2016

Bhagwan Dass and another

... Petitioners

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: None for the petitioners.

Mr. S.S. Mann, Sr. DAG, Haryana.

None for respondent No.4.

RAMESHWAR SINGH MALIK, J. (ORAL)

Controversy involved in the present writ petition is a short one.

When the watercourse AB and CD was dismantled by the petitioners, its restoration was ordered by Sub Divisional Canal Officer, Bhainswal Water Services Sub Division, Sonapat vide order dated 15.03.1996 (Annexure P-3). Petitioners filed their appeal before the Divisional Canal Officer, who dismissed the same vide impugned order dated 01.05.1996 (Annexure P-4) by passing a totally non-speaking and cryptic order.

Heard learned counsel for the State.

It is a matter of record that while issuing notice of motion vide order dated 11.07.1996, a Division Bench of this Court stayed the operation of Annexures P-3 and P-4. Thereafter, the writ petition was dismissed for non-prosecution vide order dated 23.09.1997. However, it was later on restored vide order dated 20.02.1998 and the writ petition was admitted for regular hearing

vide order dated 19.02.2001. When the case came before the Lok Adalat working in this Court, following order was passed on 08.04.2016: -

“In this case there are two petitioners. Notice was sent to them. As per the office report, both have expired. The case is sent back to the Hon'ble High Court with liberty to counsel for the petitioners to bring on record legal representatives in accordance with law, if so advised.”

In view of the above, this Court is prima facie of the view that nobody seems to be interested in pursuing the present writ petition. However, since the impugned order dated 01.05.1996 (Annexure P-4) is a totally non-speaking and cryptic one, it cannot be sustained.

In the circumstances of the case noticed hereinabove, impugned order dated 01.05.1996 (Annexure P-4) passed by Divisional Canal Officer, Sonapat Water Services Division, Sonapat is hereby set aside. Matter is remitted to the Divisional Canal Officer, Sonapat Water Services Division, Sonapat to decide the matter afresh, after granting reasonable opportunity of being heard to both the parties. Divisional Canal Officer, Sonapat is further directed to pass a speaking order at an early date, strictly in accordance with law.

With the abovesaid observations made and directions issued, present writ petition stands disposed of.

[RAMESHWAR SINGH MALIK]
JUDGE

29.11.2016
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No