

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

**Civil Writ Petition No. 12999 of 2016
Date of Decision: 15.7.2016**

Jagdish and others

.....Petitioners

Vs.

The Divisional Canal Officer, Tohana Water Services Division, Tohana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Ashok Kumar Verma, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK J. (ORAL)

Present writ petition is directed against the order dated 17.5.2016 (Annexure P-3) passed by the Chief Canal Officer, Haryana, whereby he has remanded the case to Divisional Canal Officer, for fresh decision.

The only argument raised by learned counsel for the petitioners is that the Chief Canal Officer should have directed the Divisional Canal Officer to first seek approval of the Chief Canal Officer under Rule 101 of the Haryana Canal and Drainage Rules, 1976 because approval of the Chief Canal Officer is mandatory for the Division Canal Officer before passing any order.

Having heard learned counsel for the petitioners and after going through the record of the case, including the impugned order Annexure P-3, this Court is of the considered opinion that once the Chief Canal Officer has remanded the matter to the Division Canal Officer for a fresh decision, it goes without saying that the Division Canal Officer shall pass a fresh order, strictly in accordance with law. In this view of the matter, no further clarification is required at the hands of this Court.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

With the observations made above, present writ petition stands dismissed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

15.7.2016
Ak Sharma

