

**Civil Writ Petition No. 22108 of 2016 &
other connected cases**

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

**Civil Writ Petition No. 22108 of 2016
Date of Decision: 21.12.2016**

Sher Singh

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

Civil Writ Petition No. 22723 of 2016

Mahabir

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

Civil Writ Petition No. 23499 of 2016

Rajender

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

Civil Writ Petition No. 24218 of 2016

Najar Singh

.....Petitioner

Vs.

The Sub Divisional Canal Officer, Kalanwali Water Services Sub-Division,
Kalanwali, Teshil Dabwali, District Sirsa and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Shalender Mohan, Advocate
for the petitioner in CWP No. 22108 of 2016.

Mr. Ramandeep Singh, Advocate for
Mr. Vineet Chaudhary, Advocate
for the petitioner in CWP No. 22723 of 2016.

**Civil Writ Petition No. 22108 of 2016 &
other connected cases**

Mr. Ajit Sihag, Advocate
for the petitioner in CWP No. 23499 of 2016.

Mr. Ashok Verma, Advocate
for the petitioner in CWP No. 24218 of 2016.

Mr. Pawan Jhanda, AAG, Haryana.

Mr. D.P.S. Bajwa, Advocate
for respondent No.5 in CWP No. 22108 of 2016.

Mr. Ajit Sihag, Advocate
for respondent No.5 in CWP No. 22723 of 2016.

Mr. Deepak Kaushal, Advocate
for respondent No.4 in CWP No. 24218 of 2016.

RAMESHWAR SINGH MALIK J. (ORAL)

These four identical writ petitions are being disposed of vide this common order, as all these writ petitions raise similar questions of facts and law.

Notice of motion was issued.

The common issue involved in all these four writ petitions is that the Superintending Canal Officers refused to entertain the revision petitions filed by the aggrieved parties against the orders passed by Divisional Canal Officer under Section 20 (3) of the Haryana Canal Drainage Act, 1974 ('the Act' for short), thereby refusing to exercise revisional powers vested with them, compelling all these four petitioners to approach this Court.

Three Superintending Canal Officers namely Sarv Sh. Niteesh Jain, Rajesh Kumar, Atma Ram, are present in the Court. When confronted with self contradictory orders passed by them, while entertaining revision petitions in same matters at an earlier point of time and refusing to entertain similar revision petitions in those very matters at a later point of time, they

**Civil Writ Petition No. 22108 of 2016 &
other connected cases**

had no answer, except to express their unqualified apology. They further assure this Court that in future, it will not happen and they shall not contradict themselves, while passing their orders.

In terms of language used in Section 20 (3) of the Act, there was no scope of any doubt, because the Superintending Canal Officer is vested with *sou moto* powers to call for the record of any case pending before, or disposed of by any subordinate authority, for the purpose of satisfying himself as to the legality or propriety of any proceedings or of any order made therein and may pass such order in relation thereto as he may think fit, provided that no such order is passed without affording an opportunity of being heard to all the affected parties.

In addition to the abovesaid plain language used in Section 20 (3) of the Act, there are numerous orders passed by different Division Benches as well as Single Benches of this Court, making it crystal clear that revision would be maintainable before the Superintending Canal Officer. Following are the few judgments:-

CWP No. 1349 of 1992 (Mange Ram Vs. The Sub Divisional Canal Officers, decided on 14.5.1992)

CWP No. 8179 of 1997 (Ram Sarup Vs. Sahi Ram and others, decided on 18.2.1998)

CWP No. 5090 of 2006 (Mohan Lal Vs. The Sub Divisional Canal Officer, Ellenabad Water Services Sub Division, Sirsa and others, decided on 30.3.2006)

CWP No. 17014 of 2009 (Shankar Lal Vs. Superintending Canal Officer and others, decided on 24.12.2010)

CWP No. 11800 of 2010 (Rameshwar and another Vs. Chief Canal Officer, Haryana and others, decided on 22.11.2012)

CWP No. 6359 of 2013 (Raghubir Singh Vs.

**Civil Writ Petition No. 22108 of 2016 &
other connected cases**

Superintending Canal Officer and others, decided on
25.3.2013)

CWP No. 4552 of 2013 (Manphool and others VS. The
Sub Divisional Canal Officer, Mammerkhera Water
Services Sub Division Sirsa and others, decided on
6.8.2013)

However, since learned Superintending Canal Officers, present
in the Court, have tendered their unqualified apology and assured this Court
that they shall ensure that no such unwarranted orders are passed in future,
the apology tendered by them seems to be justified and the same is hereby
accepted.

Without making any further comments in this regard, all these
four cases are disposed of by setting aside the impugned orders. All these
cases are remanded to the concerned Superintending Canal Officers with a
direction to entertain revision petitions, at the first instance and decide the
same by passing an appropriate order, strictly in accordance with law.

With the abovesaid observations made and directions issued, all
these writ petitions stand disposed of, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

21.12.2016
AK Sharma

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No