

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.92 of 2016 (O&M)

Date of Decision: May 20, 2016

Yadwinder Singh and others

.....Appellants

versus

The Superintending Canal Officer, Ferozepur and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE A.B.CHAUDHARI.**

Present: Mr.Kunal Siag, Advocate, for the appellants.
Mr.Vinod Khunger, Advocate, for respondent Nos.3to5.

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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)

Learned Single Judge has vide the order under appeal dated 30.09.2015 remanded the case to the Divisional Canal Officer, Abohar, to reinvestigate the matter, namely, the request of the appellants to give command to their land from Outlet No.121961/R Arniwala Minor. The orders passed by the authorities in favour of the appellants were set-aside by the learned Single Judge on the premise that they never applied for giving command to their land from the afore-said outlet. However, the record reveals that there is a written statement made by the appellants to the effect that their land could be given command from outlet No.121961/R Arniwala Minor. In this view of the matter, it may not be necessary

to remand the case back to the Divisional Canal Officer, Abohar. However, the objections raised by the respondents deserve to be decided on merits and such an exercise can be effectively undertaken by the Chief Canal Officer, to save the time of both the parties.

We thus dispose of this appeal modifying the order of the learned Single Judge thereby remanding the matter to the Chief Canal Officer, Ferozepur with a direction that he will proceed on the basis of the written statement made by the appellants (A-1) and then consider the objections raised by the respondents, in accordance with law.

An appropriate order shall be passed within a period of two months from the date of receiving a certified copy of this order.

The parties are directed to appear before the Chief Canal Officer, on 04.07.2016.

[SURYA KANT]
JUDGE

May 20, 2016
mohinder

[A.B.CHAUDHARI]
JUDGE

**CM No.210 of 2016 in
LPA No.92 of 2016**

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Yadwinder Singh and others vs. Superintending Canal Officer,
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for the applicant-appellants.
Mr.Vinod Khunger, Advocate,
for respondent Nos.3to5.

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Having heard learned counsel for the parties and for
the reasons mentioned in the application, the same is allowed
subject to all just exceptions and 78 days' delay in filing the appeal
is condoned.

CM stands disposed of.

**[SURYA KANT]
JUDGE**

May 20, 2016
mohinder

**[A.B.CHAUDHARI]
JUDGE**