

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

CWP No.10550 of 2017

Date of Decision.25.05.2017

Beant Singh

.....Petitioner

Vs

Superintending Canal Officer, Patiala Circle, Irrigant Branch, Patiala and
others

.....Respondents

Present: Mr. G.S. Benipal, Advocate
for the petitioner.

Mr. Yatinder Sharma, Addl. A.G., Punjab.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

In pursuance of the order dated 17.05.2017, record of the SDCO has been summoned through the office of Advocate General. Mr. Yatinder Sharma, Addl. A.G., Punjab, on perusal of the record brought by Mr. Kulbhushan Rai, Zildar, submits that there is no compliance of provisions of Section 30B of the Northern Indian Canal & Drainage Act, 1873, in essence, there is no publication of the scheme, inviting objection within 30 days of the publication.

Faced with this situation, the petitioner filed the writ petition, being aggrieved of the order (Annexure P-5) passed by the SCO setting aside the order of the DCO, giving the finding which is in conformity with the provisions of law but the fact remains that there is no adjudication with regard to compliance of the aforementioned provisions of law, in essence, he should have remitted the matter to the DCO for compliance of the aforementioned provisions of law.

that there has not been any compliance of provisions of Section 30B, which is essential requirement for the purpose of preparation of scheme for realignment of watercourse.

In view of the aforementioned fact, while upholding the order of SCO with regard to the non-compliance of the provisions of Section 30B of the Act, the matter is remitted to the DCO to comply with the procedure as noticed above and pass an order thereafter in accordance with law, after affording opportunity to all the parties including the co-sharers.

The writ petition stands disposed of in the above terms.

For appearance of the parties before the DCO, Mansa Division

I.B. Jawahar Ke on 15.06.2017.

(AMIT RAWAL)
JUDGE

May 25, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No