

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

**CWP No.17083 of 2016
Date of decision:13.01.2017**

Inderjeet Singh and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Kumar Vishav Aggarwal, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

Notice of motion.

On asking of the Court, Mr.Yatinder Sharma, learned Additional Advocate General, Punjab, accepts notice on behalf of the respondents-State.

The contention of Mr. Kumar Vishav Aggarwal, learned counsel for the petitioners is that the Superintendent Canal Officer Patiala Circle I.B. Patiala though noticed the rival contention of the parties but not assigned any reasons, in essence, as to how the order is accepted under Section 30. F.F.(4) of Northern India Canal and Drainage Act, 1873. A copy of the petition has been handed over to Mr. Yatinder Sharma. The operative part of the order dated 06.06.2016 reads as under:-

*“After perusing the all above order dated 26.08.2015 passed
by Divisional Canal Officer, Sangrur Division I.B.Sangrur is*

being set aside and appeal of the appellant is being accepted. This decision has been made under Section 30 F.F.(4) of Northern India Canal and Drainage Act 8 of 1873 and date of hearing dated 28.4.2016 has been kept reserved. In this regard both the parties were acknowledged.”

On perusal of the aforementioned order, it is evident that Superintendent Canal Officer is an Appellate Authority, who is enjoined upon an obligation to decide the controversy in a most pragmatic and reasonable manner, much less in accordance with law. It is expected to give reasons how the order under challenge was illegal and suffering from patent illegality, much less the provisions of law. Having failed to adhere to and addressed the aforementioned fact, I am of the view that the impugned order is not only cryptic but sketchy and mechanical.

I would be refraining myself to pass any remarks or adverse observations against the officer concerned, for, in anticipation, the aforementioned observations of mine shall be construed and regarded with open mindness and reception, in essence, the wisdom may dawn upon the authorities to decide the matter in a most pragmatic and reasonable manner, much less in accordance with law. The concerned officer should be more careful and wary in future in deciding the statutory appeal.

Resultantly, the impugned order is hereby set aside and the appeal is remitted back to the Superintendent Canal Officer Patiala Circle I.B. Patiala for deciding the appeal afresh in accordance with law after affording the effective opportunities to the parties to the lis.

Accordingly, the revision petition stands allowed in the
aforementioned terms.

(AMIT RAWAL)
JUDGE

January 13, 2017
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No