

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

**CWP No.2353 of 2016**

**Date of decision:15.03.2017**

**Satbir**

... Petitioner

Versus

**State of Haryana and others**

... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr.B.S.Sewak, Advocate  
for the petitioner.

Mr.Sandeep Singh Mann, Sr.DAG, Haryana,  
for the State.

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**AMIT RAWAL J. (Oral)**

The contention of Mr.B.S.Sewak, learned counsel for the petitioner is the petitioner is owner of 11 acres of land and getting water through outlet RD-47120-R Bhalaut Distry. In order to provide better supply, a new outlet at RD-46420-R Bhalaut Distry for 286/238 acres area was sanctioned by the Divisional Canal Officer, vide order dated 11.5.2015 after taking sanction from the competent authority by transferring the same from outlet RD-45000 as outlet at RD-47120-R was towards upstream. Against the said order, private respondents approached the Superintending Canal Officer, who, after hearing the parties and going through the entire record and evidence held that the proposed outlet is correct. However, the Chief Canal Officer, vide order dated 7.11.2015, allowed the appeal of the respondents by setting aside the orders without appreciating the record and

in a most sketchy and mechanical manner and in this regard, he has drawn the attention of this Court to the findings of the Chief Canal Officer which read as under:-

*“Revenue missal, site sketch and other relevant record produced at the time of hearing were examined. The arguments of the appellants and respondents present shareholders were heard and considered. The spot levels shown on the site sketch were also taken into consideration. From the close perusal of the site sketch and overall view of the case it appears that level from RD 46420 to 47130 are almost identical and difference in FSL is nominal. Enough working head is available from both sites.*

*Majority of shareholders are in favour of outlet at RD 47120-R as most of area of proposed chak is in D/S side of RD 47120-R. Since most of proposed chak area is better commanded from outlet RD 47120-R, decision of Superintending Canal Officer, YWS Circle, Rohtak dated 18.8.2015 is set aside and proposed outlet at RD 47120-R Bhalaut Disty.is allowed.*

*Decision be conveyed to all concerned under the rules.”*

I have come across many orders of the Chief Canal Officer which are basically cut and paste. In all cases, stereo type lines are being mentioned. There is no application of mind, much less reference of the orders and documents. Thus, I deem it appropriate to remit the matter back by setting aside the impugned order.

Accordingly, the order under challenge, being not sustainable, is hereby set aside and the matter is remitted back to the Chief Canal Officer to decide the matter afresh after affording opportunity of hearing to the petitioner and contesting respondents in accordance with law. He is also directed to be more careful in future, failing which costs shall be deemed to

be imposed for passing such mechanical and sketchy orders, much less not adhering to the powers entrusted under the Act.

Accordingly, the writ petition stands disposed of.

The petitioner is directed to appear before the concerned Chief Canal Officer on 31.03.2017.

**(AMIT RAWAL)**  
**JUDGE**

**March 15, 2017**  
ramesh

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| <b>Whether Speaking/Reasoned</b> | <b>Yes/No</b> |
| <b>Whether Reportable</b>        | <b>Yes/No</b> |