

102

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25681-2016 (O&M)
Date of decision : 07.04.2017

Mahender Singh and another

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Raman Chawla, Advocate
for the petitioners.

AMIT RAWAL, J. (ORAL)

CM-5220-CWP-2017

The application is allowed.

Jamabandi (Annexure P-9) and as well as Site Plan (Annexure P-10) are taken on record subject to all just exceptions.

CWP-25681-2016

Learned counsel for the petitioner has placed reliance upon the order dated 21.12.2016 passed by the Coordinate Bench of this Court rendered in **CWP No.22108 of 2016** titled as **“Sher Singh Vs. State of Haryana and others”** to contend that under Section 20(3) of the Haryana Canal Drainage Act, 1974, the Superintending Canal Officer has jurisdiction to decide the revision petition, whereas the order, under challenge, is based upon lack of jurisdiction.

I have gone through the judgment rendered by this Court supra and in agreement of the same. In many cases, this Court has already set

aside such type of orders.

In view of the *ratio decidendi* culled out in the judgment referred to above, the Superintending Canal Officer has jurisdiction to try and entertain the revision petition. The relevant para is reproduced as under:-

“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 suo motu 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.”

Keeping in view the facts and circumstances, the present writ petition is disposed of with a direction to the Superintending Canal officer to decide the revision petition in accordance with law, particularly in terms of the direction given in the judgment cited supra, after affording opportunities to the parties as expeditiously as possible and preferably within a period of four months from the date of receipt of certified copy of this order.

The writ petition is disposed of with the above direction.

07.04.2017

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

✓

Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**