

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

**CWP No.26191 of 2016
Date of Decision.17.01.2017**

Ram Niwas

.....Petitioner

Vs

State of Haryana and others

.....Respondents

Present: Mr. Shalender Mohan, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

C.M. No.328 of 2017

Application is allowed.

Annexure P-6 and P-11 are taken on record.

CWP No.26191 of 2016

Learned counsel for the petitioner has placed reliance upon the order passed by the Coordinate Bench of this Court in CWP No.22108 of 2016 on 21.12.2016 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.

Notice of motion.

Mr. Sandeep S. Mann, Sr. DAG, Haryana accepts notice for the

official respondents No.1 to 4.

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.”

Resultantly, the impugned order dated 18.03.2016 (Annexure P-7) is hereby set aside. The Appeal Revision No.124/2015 is restored and the matter is remitted back to the Superintending Canal Officer for fresh consideration as expeditiously as possible.

The writ petition is disposed of with the above direction.

(AMIT RAWAL)
JUDGE

January 17, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No