

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

**CWP No.26772 of 2016
Date of Decision.19.01.2017**

Gurdip Singh

.....Petitioner

Vs

Superintending Engineer and others

.....Respondents

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The petitioner is aggrieved of the impugned order (Annexure P-3) whereby the Superintending Engineer, Canals has remanded the matter back to the Divisional Canal Officer on the premise that Jagdev Singh at whose instance the appeal has been filed, no effective service made upon him and the inspection was also done at his back.

Mr. Sandeep Arora, learned counsel appearing on behalf of the petitioner submits that the Divisional Canal Officer did not pass the order in a hush-hush manner. Many opportunities had been given i.e. on 06.01.2016, 02.03.2016 and 06.04.2016. Even Zildar also reported regarding effecting of the service. Intimation on the mobile number of the affected parties i.e. the private respondents was also given. Despite having the knowledge of the proceedings, they did not appear. They wanted to prolong the matter and intention was to cause unnecessary harassment to the petitioner.

All these factors have not been taken into consideration. Even the file of the Divisional Canal Officer was not perused which recorded the status of service.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that the finding rendered by the Superintending Engineer, Canals is perfectly legal and justified. The principles of natural justice have not been applied. The Divisional Canal Officer has not recorded any satisfaction with regard to the service upon the private respondent. The demarcation (Annexure P-4) is also done at the back of the respondents, thus, the order of restoration of water course seriously prejudiced the right and interest of respondents. In the absence of the application of principles of natural justice, the matter has been remanded back.

Though there is no time line fixed for adjudication of the *lis*, I deem it appropriate to modify the order *viz-a-viz* fixing the time line. The Divisional Canal Officer, who has been asked to decide the case afresh, shall decide the same within a period of three months from the date of receipt of certified copy of this order. The finding rendered by the Superintending Engineer, Canals is upheld but with the aforementioned modification.

The writ petition stands disposed of with the aforementioned observations.

(AMIT RAWAL)
JUDGE

January 19, 2017
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No