

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

C.W.P.No.4394 of 2014 (O&M)

Date of Decision: March 21, 2017

Ajit Singh & another

...Petitioners

Versus

**Chief Canal Officer YWS (N) Irrigation and W.R.Department, Haryana &
others**

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

**Present: Mr.Babbar Bhan, Advocate,
for the petitioner.**

**Mr.Rajbir Singh, AAG, Haryana,
for the State.**

**Mr.Deepak Kundu, Advocate,
for respondent No.4.**

AMIT RAWAL, J. (Oral)

CM No.4178 of 2017

**Annexures P-5 to P-8 are taken on record. Exemption is also
granted from filing certified copies thereof.**

CM stands disposed of.

CWP No.4394 of 2014

**Challenge in the present writ petition is to the order dated
27.1.2014 (Annexure P-3), whereby the Chief Canal Officer has set-aside
the orders of the Divisional Canal Officer, much less Superintending Canal
Officer in a most sketchy and mechanical manner. In fact, the satisfaction
recorded is not backed by any reasoning. The operative part of the order
reads thus:-**

“In view of above, I am of the opinion that it is better to maintain the present system where irrigation of all the cases is satisfactory, so it is ordered that the appeal is accepted and decision of the SCO/YWS Circle, Jind is set-aside.”

In my view, the Chief Canal Officer, being an authority under the Statue in the appeal or revision, while passing the order under challenge, was under an obligation to give the reasons as to how and in what manner the orders are not sustainable, much less to make out the case of the petitioners.

Resultantly, the order dated 27.1.2014 (Annexure P-3) rendered by the Chief Canal Officer, is hereby set-aside. The matter is remitted back to the Chief Canal Officer to pass a detailed order in a pragmatic and objective manner.

With the aforementioned observations, the writ petition stands allowed.

The parties, through, their counsel are directed to appear before the Chief Canal Officer concerned on 7.4.2017.

March 21, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No