

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

CWP No.9890 of 2014
Date of decision : 05.04.2017

Surender

...Petitioner

Versus

Chief Canal Officer and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Manish Soni, Advocate for the petitioner.

Mr. Rajbir Singh, AAG, Haryana.

Mr. Ashok Verma, Advocate for respondent Nos.5 to 19.

AMIT RAWAL, J. (Oral)

Cost of ₹5000/- imposed on the petitioner vide order dated 20.03.2017 passed by this Court, has been deposited at Chandi Kusht Ashram Society, Sector-47, Chandigarh. Receipt of the same has been handed over to the Court.

Concededly, the petitioner has remedy against order (Annexure P-6), whereby application for granting the permission to lay the pipeline underneath as per the provision of Section 17-9 of the Haryana Canal Act for irrigation of the field, has been dismissed by the Divisional Canal Officer vide order dated 10.03.2014. Though, the earlier order i.e. Annexure P-2 is in favour of the petitioner but the fact remains that providing of the water course either over the ground or under the

ground has to be pondered and considered by the authorities. If at all the application has been dismissed, the petitioner has remedy to file the appeal under Section 20(1) of the Haryana Canal and Drainage Act. In case, appeal is preferred against the order (Annexure P-6) before Superintending Canal Officer, period of limitation would not come in the way of the petitioner i.e. 30 days and same shall be decided in a most subjective and pragmatic manner.

Let this exercise be done by Superintending Canal Officer within a period of 45 days from the date of receipt of certified copy of the order.

With the aforementioned observation, present writ petition stands disposed of.

05.04.2017

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No