

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

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CM No.18692 of 2018 in/and
Civil Writ Petition No.2226 of 1995 (O&M)

Date of Decision: December 11th, 2018

Ram Chander and another

...Petitioners

Versus

Chief Canal Officer, Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Mani Ram Verma and Mr. Nipun Verma, Advocates
for the applicants-petitioners.

Ms. Mamta Singla, Deputy Advocate General, Haryana.

Mr. Sushil Jain, Advocate
for respondents No.4, 5 and 7.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.18692 of 2018

Prayer in this application is for filing replication to the
written statement dated 23.10.2018 of respondents No.1 to 3.

Application is allowed subject to just exceptions.

Replication is taken on record.

CWP No.2226 of 1995 (O&M)

This writ petition has been filed by the petitioners challenging
the order dated 22.12.1994 (Annexure P-6) passed by the
Chief Canal Officer, Y.W.S., Haryana, Rohtak, whereby the appeal
preferred by private respondents 4 to 7 was accepted and the order of the
S.C.O./W.J.S. Feeder Circle/Delhi dated 14.08.1992 regarding exclusion of
area of Village Dabarpur from the chak of outlet RD 27114/R
Sardhana Distributory stands set aside.

2.

It is the contention of learned counsel for the petitioners that

the order impugned dated 22.12.1994 (Annexure P-6) is a totally non-speaking order. He contends that the decision does not reflect the application of mind nor does it indicate the reasons as to why the decision has been reached by the said authority. On this ground alone, he contends that the order cannot sustain. Counsel has also made his submissions with regard to the merits of the case, however, on this simple plea, the order dated 22.12.1994 passed by the Chief Canal Officer, Y.W.S., Haryana, Rohtak, cannot sustain.

3. Counsel for the respondents have also been heard but they could not controvert the basic question, as has been raised by the counsel for the petitioners. Matter has been argued on merits as well.

4. Having considered the submissions made by the counsel for the parties and without going into the merits of the case, this Court finds itself in agreement with the contention of learned counsel for the petitioners that the order dated 22.12.1994 (Annexure P-6) passed by the Chief Canal Officer, Y.W.S., Haryana, Rohtak, is a non-speaking order bereft of any reasoning and justification while setting aside the order passed by the S.C.O. and D.C.O. The order dated 22.12.1994 (Annexure P-6) passed by the Chief Canal Officer, Y.W.S., Haryana, Rohtak, therefore, is hereby set aside. The case is remanded back to Chief Canal Officer, Y.W.S., Haryana, Rohtak, for fresh decision.

5. Parties are directed to appear before the Chief Canal Officer, Y.W.S., Haryana, Rohtak, on **14.01.2019** at **10:00 AM**.

6. On appearance of the parties, all endeavour would be made by the Chief Canal Officer, Y.W.S., Haryana, Rohtak, to finalise the matter at

appearance of the parties.

7. It goes without saying that the *status quo*, as it exists today, shall be maintained by the parties till the decision of the Chief Canal Officer, Y.W.S., Haryana, Rohtak.

Copy of this order be sent to the Chief Canal Officer, Haryana forthwith.

December 11th, 2018
Puneet

AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No