

CWP-28213-2018

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

123

CWP-28213-2018

Date of decision : 02 November, 2018

SUNIL AND ORS

.....Petitioner(s)

Versus

STATE OF HARYANA AND ORS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Naveen Dahiya, Advocate
for Mr. Shalender Mohan, Advocate
for the petitioners.

Ms. Nidhi Garg, AAG, Haryana.

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TEJINDER SINGH DHINDSA , J (ORAL)

Pleadings on record would indicate that the Divisional Canal Officer, Bhakra water services, Hisar passed an order dated 11.01.2018 (Annexure P-1) for starting the outlet No.RD 58600/R of Deosar Feedar after transferring the area 258.09/144.52 acres from outlet No. RD 56200/R of Deosar Feedar.

It is the case of the petitioners that an appeal had been preferred against the order dated 11.01.2018 before the Superintending Canal Officer, Bhakra water services circle No.1, Hisar and which till date has not been decided.

Instant writ petition came up for preliminary hearing on 01.11.2018 and counsel at that stage had confined the scope of the instant writ petition for directions to be issued to the Superintending Canal Officer, circle No. 1, to take a final decision on the appeal. Accordingly a complete copy of the case paper-book was handed over to the learned State counsel to complete instructions in the matter.

During the course of resumed hearing today learned State counsel apprises the Court that the appeal has been preferred by the petitioners on 26.10.2018 i.e. at a belated stage.

Counsel representing the petitioners would however join issue and would submit that they were not aware of the proceedings before the DCO (Divisional Canal Officer) and it is only upon coming to their knowledge as regards order dated 11.01.2018 the appeal had been preferred.

Without examining the case on merits, the instant writ petition is disposed of with a direction to respondent No.2 the Superintending Canal Officer, Bhakra water services circle No.1, Hisar, to take a decision on the appeal dated 26.10.2018 (Annexure P-2) expeditiously.

Disposed of.

**(TEJINDER SINGH DHINDSA)
JUDGE**

02.11.2018

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No