

CWP-25499-2016 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-25499-2016 (O&M)

Date of Decision: 24th September, 2019

Darshan Singh & others

...Petitioners

Versus

Superintending Canal Officer, Ferozepur Canal Circle,
Ferozepur & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. C.M. Munjal, Advocate,
for the petitioners.

Mr. T.P.S. Chawla, DAG, Punjab.

Mr. Manjit Singh, Advocate
for respondents No.3 and 4.

None for respondent No.5.

AUGUSTINE GEORGE MASIH, J. (ORAL)

I have gone through the original records which have been produced.

The reports with regard to the service upon the petitioners, who were respondents before the canal authorities, do not indicate any date as to when the concerned personnel serving the respondents had visited them or has submitted the said report. In the absence of any date being mentioned in the service reports, it cannot be said as to whether the mandate of the provision as contained in Section 30-B (2) of the Northern India Canal and Drainage Act was complied with or not? In the absence of the mandate of the statute having been fulfilled, the orders which have been passed by the

(2)

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canal authorities and impugned in the present writ petition cannot sustain.

In view of the above, the present writ petition is allowed and the impugned order dated 14.10.2016 (Annexure P-4) passed by the Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur – respondent No.1 and order dated 08.01.2014 (Annexure P-2) passed by the Divisional Canal Officer, Abohar Canal Division, Canal Colony, Tehsil Abohar, District Fazilka, – respondent No.2 are hereby set aside.

Parties are directed to appear before the Divisional Canal Officer, Abohar Canal Division, Canal Colony, Tehsil Abohar, District Fazilka, – respondent No.2, on 04.10.2019. Thereafter, the Competent Authority shall proceed in accordance with law.

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In the light of the disposal of the main writ petition, no orders are required to be passed in the present application for vacation of stay as the same has been rendered infructuous.

Disposed of as such.

(AUGUSTINE GEORGE MASIH)
JUDGE

24th September, 2019
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No