

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH

104

CWP-21808-2018

Date of decision: 21.08.2019

SUKHPREET KAUR

...PETITIONER

VS.

***THE SUPERINTENDING CANAL OFFICER, BHAKRA WATER SERVICE
CIRCLE, SIRSA AND OTHERS***

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sandeep Kumar Tada, Advocate,
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana,
for the State.

Mr. Amandeep Singh, Advocate,
for respondent No. 4.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the orders, which have been passed by the authorities under the Haryana Canal and Drainage Act, 1974. The order, which has been passed by the Superintending Canal Officer, Bhakra Water Service Circle, Sirsa dated 10.05.2018 (Annexure P-6) has also been challenged. This order has been passed by the said authority only on the ground that the same is barred by limitation. It has not been disputed that the delay on the part of the petitioner was only three days in filing the revision.

The plea, which is being sought to be taken, is that the period

of limitation is fixed as 30 days under Section 20 (1) of the Haryana Canal and Drainage Act, 1974. It is also asserted, although not mentioned in the order, that there is no bar to condone the delay.

This Court, keeping in view the facts and circumstances of the present case especially in the light of the fact that there is a delay of only three days in filing the petition, sets aside the order dated 10.05.2018 (Annexure P-6) passed by the Superintending Canal Officer, Bhakra Water Service Circle, Sirsa in exercise of its extraordinary jurisdiction with a direction to the said authority to consider and decide the petition/appeal on merits.

Parties are directed to appear before the Superintending Canal Officer, Bhakra Water Service Circle, Sirsa, on 19.09.2019, who shall, thereafter, proceed to decide the same at the earliest.

The writ petition stands allowed.

August 21, 2019

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No