

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

CWP No.5758 of 2017 (O&M)

Date of decision : 10.5.2019

Satbir and another

...Petitioners

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr.Sandeep Thakan, Advocate for the petitioners.

Mr.Pardeep Parkash Chahar, DAG Haryana.

Mr.Vijay K.Sheoran, Advocate for respondent No.5.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 4.12.2016 (Annexure P-3) passed by Chief Canal Officer, Lift Canal Unit, Irrigation and Water Resources Department, Haryana, Panchkula-respondent No.2.

It is the contention of learned counsel for the petitioners that the order passed by the Chief Canal Officer is non speaking order where no reason has been assigned for coming to a conclusion that the land of the private respondents is not being irrigated during the last 30 years. He further contends that none of the grounds which have been taken by the petitioners in their submissions, has been dealt with in the order and thus prays that the impugned order may not sustain and deserves to be set aside.

Learned counsel for the State as well as learned counsel for respondent No.5 has tried to justify the said order with reference to the order passed by the Divisional Canal officer, Bond Water Services Division, Bhiwani-respondent No.4.

This Court is unable to accept this argument of the counsel for

the respondents as quasi-judicial Authority is required to give its own reasons for coming to a particular conclusion while deciding an appeal/revision, which is missing in the order dated 4.12.2016. Counsel for the private respondents has further asserted that the appeal which was preferred by the petitioner before Superintending Canal Officer, was beyond the period of limitation and therefore, the same could not have been entertained by the said Authority.

Be that as it may, as the Chief Canal Officer-respondent No.2 while passing the order dated 4.12.2016 (Annexure P-3) has passed a non speaking order without assigning justifiable reasons, the writ petition is allowed and the impugned order dated 4.12.2016 (Annexure P-3) is set aside.

The case is remanded back to the Chief Canal Officer, Lift Canal Unit, Irrigation and Water Resources, Department, Haryana, Panchkula-respondent No.2 for fresh decision on the revision petition which has been preferred by the private respondent No.5. The Chief Canal Officer-respondent No.2 shall consider and decide the revision petition within a period of three months from the date of appearance of the parties.

Parties are directed to appear before the Chief Canal Officer, Haryana on 6.6.2019.

Copy of the order be given dasti to the learned State counsel for conveying it to the Chief Canal Officer-respondent No.2, under the signatures of Bench Secretary of this Court.

10.5.2019
Meenu

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No