

CWP-10824-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CWP-10824-2020

Date of Decision: September 29th, 2020

Ramphal

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present Mr. Randeep S. Dhull, Advocate
for the petitioner.

Ms. Kirti Singh, DAG, Haryana
for respondents No.1 to 5.

Mr. Chander Pal Tiwana, Advocate
for respondents No.6 to 9.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 06.03.2020 (Annexure P-1) passed by the Superintending Canal Officer, Kaithal; order dated 12.02.2019 (Annexure P-2) passed by the Divisional Canal Officer, Narwana and the order dated 17.12.2018 (Annexure P-3) passed by the Sub Divisional Canal Officer, Kalayat.

It is the contention of the learned counsel for the petitioner that the order passed by the Sub Divisional Canal Officer, Kalayat, dated 17.12.2018 (Annexure P-3) is totally a non-speaking order. It is asserted that various grounds were raised before the Sub Divisional Canal Officer, Kalayat, but the same were not dealt with by the said authority. The

Appellate as well as Revisional Authorities have also ignored the aspects which have been put forth by the petitioner. Counsel for the petitioner asserts that the orders impugned deserve to be set aside and the matter remanded back to the Sub Divisional Canal Officer, Kalayat, for fresh decision after hearing the parties and giving opportunities.

Counsel for the private respondents, on the other hand, contends that both the parties were heard on 17.12.2018 and the inspection of the spot was also conducted. It is, on the basis of the spot inspection and the records, order dated 17.12.2018 (Annexure P-3) was passed by the Sub Divisional Canal Officer, Kalayat. He, thus, contends that the order as passed being on the spot after looking into various aspects including the records and hearing of the parties, justifies the passing of the said order and therefore, deserves to be upheld. The consequential orders as has been passed by the Appellate and Revisional Authorities are fully justified and do not call for any interference of this Court.

I have considered the submissions made by the learned counsel for the parties and with their assistance have gone through the records of the case.

Not only the order dated 17.12.2018 (Annexure P-3) passed by the Sub Divisional Canal Officer, Kalayat, is a non-speaking order but also the order dated 12.02.2019 (Annexure P-2) passed by the Divisional Canal Officer, Narwana as well as order dated 06.03.2020 (Annexure P-1) passed by the Superintending Canal Officer, Kaithal, are not better.

This Court is of the view that the impugned orders being non-

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speaking cannot be sustained and deserve to be set aside. Accordingly, order dated 06.03.2020 (Annexure P-1) passed by the Superintending Canal Officer, Kaithal, order dated 12.02.2019 (Annexure P-2) passed by the Divisional Canal Officer, Narwana and order dated 17.12.2018 (Annexure P-3) passed by the Sub Divisional Canal Officer, Kalayat, are hereby quashed.

Parties are directed to appear before the Sub Divisional Canal Officer, Kalayat – respondent No.5 on 26.10.2020 at 11:00 AM, for fresh decision in the matter.

(AUGUSTINE GEORGE MASIH)
JUDGE

September 29th, 2020
Harish

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