

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.10767 of 2020
Date of decision:28.07.2020

Vijay Singh

... Petitioner

Vs.

Superintending Canal Officer,
Ferozepur Canal Circle, Ferozepur

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Judgepreet Singh Warring, Advocate
for the petitioner.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Prayer in the present petition is for issuance of a writ of certiorari for quashing the order dated 20.03.2020 (Annexure P-3) passed by respondent No.1 and order dated 21.01.2020 (Annexure P-1) passed by respondent No.2 whereby the land measuring 21.31 acres including some area of the petitioner has been converted into un-command area.

Counsel for the petitioner has submitted that statutory appeal filed by the petitioner under Section 30FF(4) of the Northern India Canal and Drainage Act, 1873 impugning the order dated 21.01.2020 (Annexure P-1) has been returned by respondent No.1, vide order dated 20.03.2020 (Annexure P-3) without adjudicating it on merits by observing

that “appeal received through post or mail cannot be considered because due to non-identifying the applicant/appellant, therefore, it seems to be doubtful”. Alongwith this order, appeal of the petitioner was also returned back to him.

Notice of motion to respondents No.1 and 2 only, at this stage.

On the asking of the Court, Mr. Vikas Mohan Gupta, Additional Advocate General, Punjab, who is available on conference call, accepts notice on behalf of the respondents and he has sought instructions from Mr. H.S.Chahal, Superintending Engineer, Ferozepur Canal Circle, Ferozepur and submits that in case the petitioner re-files the appeal, the same will be heard and decided on merits, ignoring the order dated 20.03.2020 (Annexure P-3).

In view of the statement made by State counsel, the writ petition is disposed of with a direction that in case the petitioner re-files the appeal within a period of 15 days from today, the same shall be adjudicated by respondent No.1 on merits after hearing the parties.

It is clarified that even if the appeal is submitted by the petitioner by mail, respondent No.1 will entertain the same.

(SUVIR SEHGAL)
JUDGE

July 28, 2020
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No