

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

**CWP No.20014 of 2020
Date of Decision: 25.11.2020**

Kulwinder Singh

...Petitioner

Vs.

Superintending Canal Officer and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Peeush Gagneja, Advocate,
for the petitioner.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petition herein is under Article 226 of Constitution of India seeking issuance of a writ in the nature of mandamus directing respondent No.1 to decide the appeal filed by private respondents against joint order dated 21.01.2019/22.01.2019 passed by the Divisional Canal Officer, Canal Division Abohar and Divisional Canal Officer, Bathinda regarding transfer of area from the outlet No.108563/112300-TR, Teona minor +404415/L-Sirhind Feeder, Village Bannwala Anu, Tehsil Malout, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner submits that private respondents have preferred an appeal on 15.04.2019 (Annexure P-3) before respondent No.1 challenging order dated 21.01.2019 (Annexure P-2) passed by respondent No.2. But till today the same has not been listed for hearing. Moreover, the order dated 21.01.2019 (Annexure P-2) has not been implemented only because of pendency of appeal before respondent No. 1. He further submits that not even a single date of hearing has not been given despite the fact that no stay order has been granted by respondent No.1 in favour of the private respondents. He submits that petitioner is deprived of his irrigation rights for the last so many years.

3. On a query of the Court, learned counsel for the petitioner submits that as per his information/instructions, the physical hearings in the office of the Appellate Authority have resumed. He submits that though other matters are being heard but the petitioner's case is not being taken up and appeal has been pending since 15.04.2019.

4. Without commenting anything on the merits of the case, the writ petition is disposed of with an expectation that the Appellate Authority shall take up the matter for hearing, as expeditiously as possible, of course, subject to the pandemic precautions, in case, other appeals are also being heard.

5. Disposed of accordingly.

NOVEMBER 25, 2020

vandana

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable

Yes/No