

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

Sr. No.117

CWP No.1572-2020

DATE OF DECISION: February 17, 2020

NAND LAL AND OTHERS

...PETITIONERS

VERSUS

**CHIEF CANAL OFFICER, BHAKHRA WATER SERVICES UNIT,
HARYANA IRRIGATION AND W/R DEPARTMENT AND OTHERS**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ashok Arora, Advocate, for the petitioners.

SUDHIR MITTAL, J. (ORAL)

The petitioners seek quashing of an order communicated through letter dated 27.11.2018 (Annexure P-7) and order dated 23.05.2018 (Annexure P-5) passed by the Superintending Canal Officer as well as order dated 08.02.2018 (Annexure P-3) passed by the Divisional Canal Officer.

2. Learned counsel for the petitioners submits that on an application moved by the private respondents for conversion of 8.63 acres of UCA to CCA, the Divisional Canal Officer vide order dated 14.02.2017 (Annexure P-1) had permitted conversion of only 37 kanals. In the appeal filed by the petitioners, the Superintending Canal Officer found that proper publication had not been done and remanded the case for decision after

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proper publication. The Divisional Canal Officer, after remand, allowed the application in respect of entire 8.63 acres which was illegal as he could not review his earlier order. He was only required to carry out publication in accordance with law. The Appellate and Revisional Authorities have also failed to take note of this illegality and thus, the impugned orders deserve to be set aside.

3. A perusal of the order of remand dated 24.08.2017 (Annexure P-2), shows that direction was given to the Divisional Canal Officer to re-decide the issue after proper publication. Thus, the earlier order dated 14.02.2017 (Annexure P-1) had been set aside. The Divisional Canal Officer was accordingly competent to re-decide the case. The later order would not amount to review of earlier order. The contention of learned counsel for the petitioners is thus, rejected.

4. In view of the aforementioned reasons, the writ petition is dismissed.

February 17, 2020

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No