

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

**CWP No.16742 of 2021
Date of Decision:01.09.2021**

Jaswant Singh

....Petitioner

VS

**Superintending Canal Officer,
Sirhind Canal Circle and others**

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sanjeev Kumar Arora, Advocate
for the petitioner

SUDHIR MITTAL, J. (Oral)

According to the petitioner, the concerned Deputy Collector arbitrarily sanctioned a new *warabandi* in violation of the provisions of Section 68 of the Northern India Canal and Drainage Act, 1873. Appeal against the said order has failed. Thereafter, the petitioner has preferred revision petition before respondent No.1. The said revision petition has not been taken up even for preliminary hearing till date. Respondent No.1, on his on motion, issued a telegram dated 27.05.2021 directing the concerned Divisional Canal Officer not to take any action till the decision of the appeal. The said direction has been vacated vide telegram dated 01.06.2021 on the ground of ongoing COVID-19 pandemic.

Learned counsel for the petitioner submits that the impugned telegram dated 01.06.2021 (Annexure P-13) is illogical. Respondent No.1 is duty bound to take up the pending revision petition along with the stay application and pass appropriate orders thereupon. He is failing to perform his duty and is treating the rights of the parties very lightly.

Notice of motion to respondents No.1 to 3 only.

Ms. Anju Sharma Kaushik, DAG Punjab accepts notice on behalf of respondents No.1 to 3 and waives service.

Considering the nature of the order being passed, there is no necessity to file reply.

The writ petition is disposed of with a direction to respondent No.1 to take up the pending revision petition as early as possible and to decide the same after notice to the private respondents, latest within four months from the date of receipt of the certified copy of this order. Till the decision of the revision petition, the orders passed by the authorities below shall not be implemented.

(SUDHIR MITTAL)
JUDGE

01.09.2021
Poonam Negi

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