

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

Sr. No. 115 (two connected cases)

**CWP-20254-2021 (O&M)
Date of decision : 15.12.2021**

Tarlochan Singh and another

..... Petitioners

VERSUS

Superintendent Canal Officer and others

..... Respondents

CWP-20255-2021 (O&M)

Tarlochan Singh and another

..... Petitioners

VERSUS

Superintendent Canal Officer and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. C.S. Jattana, Advocate, for the petitioners.
(in both petitions)

Ms. Ambika Bedi, AAG, Punjab.

Mr. G.L. Bajaj, Advocate, for proforma respondents.

SUDHIR MITTAL, J. (Oral)

Learned State counsel submits that in the dispute leading to filing of CWP-20255-2021, the father of the petitioners has got his statement recorded before the Halqa Zildar giving consent to the new outlet. It is thus, submitted that the allegation that the petitioners were not granted any opportunity after framing of the scheme, is false.

Faced with this situation, learned counsel for the petitioners submits that the appeal has been decided in the absence of learned counsel for the petitioners and thus, the order of the Appellate Court may be set aside and the matter be remanded for a fresh decision.

Learned counsel for the private respondents has no objection.

Thus, the writ petition is allowed. Order dated 09.08.2021 (Annexure P-4) passed by the Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur, is set aside and the matter is remanded to him for a fresh decision of the appeal in accordance with law.

A photocopy of this order be placed on the file of the connected case.

(SUDHIR MITTAL)
JUDGE

15.12.2021
Ramandeep Singh

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