

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.3214 of 2016 (O&M)

Naib Singh and others

...Petitioners

Versus

Superintending Canal Officer and others

...Respondents

CWP No.10195 of 2020 (O&M)

Naib Singh and others

...Petitioners

Versus

Superintending Canal Officer and others

...Respondents

Date of decision: 25.02.2021

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Surinder Garg, Advocate for the petitioners
in CWP No.3214 of 2016.

Mr. Gaurave Bhayyia, Advocate for the petitioners
in CWP No.10195 of 2020.

Ms. Sunint Kaur, AAG, Punjab.

Mr. N.K. Manchanda, Advocate for respondent No.3
in both the writ petitions.

Harsimran Singh Sethi, J. (Oral)

By this order, two writ petitions details of which have been

given in the heading are being decided.

For the sake of convenience, the facts are being taken from CWP No.3124 of 2016.

In the present writ petition, the challenge is to orders dated 06.03.2014 (Annexure P/1) passed by the respondent No.2; order dated 29.09.2014 (Annexure P/2) passed by respondent No.1 as well as to order dated 08.10.2015 (Annexure P/3) by which the review petition filed by the petitioners was dismissed. The grievance of the petitioners is that the orders which have been passed by the authorities exercising power under the Northern India Canal and Drainage Act, 1873 and the Punjab Amendment Act 23 of 1965 were passed without giving any opportunity of hearing to the petitioners. Further, a contention has been raised that the orders which have been passed by the respondents are contrary to the provisions of law and cannot be sustained.

Both the above mentioned writ petitions came up for hearing on 14.11.2019 before a Co-ordinate Bench and after hearing learned counsel for the petitioners, the following order was passed by the Co-ordinate Bench of this Court:-

“The grievance which has been highlighted by the counsel for the petitioners appears to be only to the extent that the petitioners have not been served in the proceedings which have been initiated by respondent No.2. When a question was put to the counsel for the petitioners to point out any illegality in the order apart from one that the petitioners have not been served or as to how the private respondent is not entitled to the relief claimed by him, he has not been able to point out any such aspect from the paper-book. He, however, prays for some time to place on record documentary evidence to

substantiate his contention that he would be entitled to interference in the impugned orders on the ground of equity and the private respondent was not entitled to the relief as has been granted to him.

Let the needful be done within a period of six weeks.

List for arguments on 27.01.2020.”

Thereafter, the learned counsels appearing on behalf of the petitioners have been taking time to comply with the said order, for which, four adjournments have already been granted to the petitioners to substantiate the contention that they were not served before passing of the impugned orders or there is any illegality in the orders, which have been impugned before this Court.

Learned counsels for the petitioners concedes that the petitioners have not contacted them so far so as to comply with the order dated 14.11.2019 passed by this Court and nothing has been supplied to them so as to be placed on record of these petitions to substantiate that rules of natural justice were violated before the impugned orders were passed.

In view of the above, as nothing has been placed on record to substantiate the contention that the petitioners were not served in the proceedings which were initiated by the respondent No.2, the same cannot be accepted and the said contention is rejected. Further, this Court after hearing the parties has already recorded the findings vide order dated 14.11.2019 that the learned counsel appearing on behalf of the petitioners have not been able to show any perversity or illegality in the impugned orders passed by the respondents.

That being so, once the authorities have passed the detailed orders on the issue after complying due process of law, this Court cannot interfere with the impugned orders on disputes which are raised on the factual aspects. The legal infirmity in the impugned orders has not at all been pointed out so as to justify the interference by this Court.

No ground is made out to interfere in the impugned orders passed by the respondents.

The writ petitions are accordingly, dismissed.

CM-16220-CWP of 2019

The present application is disposed of having been rendered infructuous.

February 25, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No