

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.120

CWP No. 24392 of 2022

Date of decision : 29.10.2022.

Om Parkash and others

..... Petitioners

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Yashdeep Nain, Advocate, for the petitioners.

SUDHIR MITTAL, J. (Oral)

The petitioners are aggrieved because an application filed by the private respondents for transfer of their land to another outlet has been allowed. Appeal and revision filed by the petitioners have been dismissed.

Learned counsel for the petitioners submits that the Divisional Canal Officer passed the order of transfer in collusion with the private respondents. Signatures of the co-sharers on the notices issued have been forged. In fact, no notice was ever issued nor the scheme framed under Section 18 of the Haryana Canal and Drainage Act, 1974 (for short "the Act") was published in accordance with Section 19 thereof. On account of these facts, the petitioners did not acquire knowledge of the order. Knowledge was acquired only when the scheme was sought to be implemented after more than three years and thus an appeal was filed with an application for condonation of delay. The Appellate Court has erred in law in not taking the submissions made in the application for condonation of delay into consideration and the Revisional Authority has committed the same error. Thus, the impugned orders deserve to be set aside.

The bald submission that signatures on the notices have been forged cannot be accepted. No evidence regarding forgery is forthcoming and thus the arguments of learned counsel deserves to be rejected. Regarding non-publication in

accordance with Section 19 of the Act, the record of the Divisional Canal Officer has not been annexed to support the allegation. Consequently, this argument also fails.

Under the circumstances, the submission that the petitioners did not have the knowledge of the orders passed by the Divisional Canal Officer cannot be accepted. Thus, the Appellate and Revisional Authority were justified in dismissing the appeal/revision on the ground of delay.

The writ petition has no merits and is dismissed.

(SUDHIR MITTAL)
JUDGE

29.10.2022
Anjal

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No