

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(120)

CWP-10709-2023

Date of decision: - 17.05.2023

Sukhmender and another

....Petitioners

Versus

The Divisional Cana Officer, Bhiwani Water Services, Bhiwani and
others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ashok Verma, Advocate,
for the petitioners.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ of certiorari or any other appropriate writ, order or direction for quashing the order dated 04.09.2013 (Annexure P-3) passed by the Chief Canal Officer/respondent No.4.

2. Learned counsel for the petitioners has submitted that the petitioners had not challenged the impugned order dated 04.09.2013 (Annexure P-3), since the same had transferred an area of 26.26 acres to the proposed outlet only for a period of one year on experimental basis. It is further submitted that a subsequent order dated 25.11.2022 fixing the warabandi has been passed by the authorities by relying upon the order dated 04.09.2013. It is also submitted that the appeal against the said order dated 25.11.2022 has also been dismissed on 17.02.2023 and the

petitioners have filed a revision petition against the same. It is stated that since the said revision petition is still pending, thus, petitioners seek to withdraw the present writ petition with liberty to challenge the order dated 04.09.2013 (Annexure P-3), if need be, after the decision of revision before the Superintendent Canal Officer in the warabandi case.

3. In view of the above, the present writ petition is dismissed as withdrawn, with the aforesaid liberty.

4. It is made clear that in case any such petition is filed challenging the orders in addition to the order dated 04.09.2013, then, the same would be considered independently in accordance with law.

May 17, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No