

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(226)

CWP-3316-2015

Date of decision: - 28.02.2023

Ramesh

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Shalender Mohan, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana
for respondents No.1 to 4.

Mr. Ashok Verma, Advocate
for respondent No.5.

VIKAS BAHL, J. (ORAL)

This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 08.10.2013 (Annexure P-2) passed by respondent No.4; order dated 27.12.2013 (Annexure P-4) passed by respondent No.3; and order dated 12.09.2014 (Annexure P-6) passed by respondent No.2, vide which the appeal of the petitioner has been dismissed.

Learned counsel for the petitioner has submitted that in the present case, the petitioner had filed an appeal (Annexure P-5) before the Superintending Canal Officer, Water Services Division, Canal Colony,

Tohana, in which one of the points which had been raised by the petitioner was that no information was given to the petitioner at the time of fixing the warabandi before the Deputy Collector, Tohana. It is further submitted that the said appeal was duly noticed in the impugned order dated 12.09.2014 (Annexure P-6) and was numbered as RP No.110-T/2014, but no specific finding has been given with respect to the said aspect and the said RP No.110-T/2014 has been decided alongwith other cases without considering the specific case of the present petitioner.

Learned counsel appearing on behalf of respondent No.5 has submitted that the petitioner was not entitled to personal notice and this case is not different from the cases of the other persons whose cases have been dismissed by Superintending Canal Officer. It is, however, fairly submitted that since the plea of the present petitioner Ramesh has not been specifically decided by the Superintending Canal Officer in the impugned order dated 12.09.2014 (Annexure P-6), thus, they have no objection in case the present writ petition filed by petitioner Ramesh is allowed and the order dated 12.09.2014 passed by the Superintending Canal Officer, as far as the case of the present petitioner Ramesh is concerned, is set aside to the said extent and the case is reheard and decided afresh by the Superintending Canal Office. It is also submitted that this concession has been made in order to avoid the delay in the proceedings and should not be construed as an admission that the case of the petitioner is meritorious.

Keeping in view the above-said facts and circumstances, more so the stand taken by respondent No.5, the present writ petition is

partly allowed and the impugned order dated 12.09.2014 (P-6) to the extent that RP No.110-T/2014, filed by the present petitioner Ramesh has also been dismissed alongwith the other cases, is set aside and the Superintending Canal Officer is directed to decide the said RP No.110-T/2014 afresh after an opportunity of being heard to the petitioner as well as respondent No.5 is given.

The petitioner as well as respondent No.5 would appear before the Superintending Canal Officer on 20.03.2023.

Respondent No.2 is directed to grant an opportunity of being heard to the petitioner, respondent No.5 as well as all the concerned official persons and to make every endeavour to decide the said appeal, as expeditiously as possible, preferably, within a period of one month from 20.03.2023.

It is made clear that this Court has not opined on the merits of the case and it would be open to the parties to raise all their pleas and respondent No.2 is directed to decide the same independently, in accordance with law.

February 28, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No