

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

274+123

CWP-25764-2023(O&M)

Date of Decision: November 21, 2023

Aman Kumar Jain

.....Petitioner(s)

Vs.

Superintending Canal Officer and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. S.P.S. Tinna, Advocate for the petitioner(s).

Mr. Arun William, AAG, Punjab.

Mr. Shubham Goyal, Advocate for respondent No.3

RAJESH BHARDWAJ J. (ORAL)**CM-19772-2023**

The present application has been filed seeking impleadment of legal representatives of respondents No.3 and 4 as respondents No.5 to 10 in the petition.

For the reasons mentioned in the application, which is duly supported by an affidavit, the same is allowed and Legal Representatives of respondents No.3 and 4 (as mentioned in para Nos.3 and 4 of the application), are ordered to be impleaded as party-respondents No.5 to 10 in the petition.

Amended memo of parties is taken on record.

Registry to tag the same at an appropriate place.

CM-19771-2023

Allowed, as prayed for and Annexures A-1 and A-2 alongwith amended memo of parties are taken on record.

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The present petition has been filed seeking issuance of a writ in the nature of certiorari for quashing the order dated 03.10.2023 (Annexure P-10)

passed by respondent No.1 and order dated 28.07.2023 (Annexure P-7) passed by respondent No.2 whereby respondents No.1 and 2 have illegally and arbitrarily ordered for the restoration of the water course in outlet No.5855-R Abohar Minor, without following the procedure laid under Section 30 (FF) of the Northern India Canal and Drainage Act, 1873.

2. Counsel for the respondents has jointly filed affidavit of LR's of respondent No.3. It has been deposed in the affidavit that the deponent undertakes to pay the cost of the water course as per the provisional collector rate of the land of the petitioner where the water course would be provided.

3. Counsel for the petitioner submits that compensation has to be assessed by the Divisional Canal Officer in view of statutory provisions of Section 30B of the Northern India Canal and Drainage Act, 1873.

4. Counsel for the respondent has submitted that the respondents would appear before the Divisional Canal Officer for the necessary action.

5. In view of the submissions made and the affidavit filed, both the parties would appear before the Divisional Canal Officer on 04.12.2023. The Divisional Canal Officer-respondent No.2 after hearing both the sides would assess the amount of compensation to be paid to the petitioner and thereafter would proceed further for the redressal of the grievances of the parties. The necessary action would be carried out within two months from today. Till the decision taken by the Divisional Canal Officer, the Status quo shall be maintained.

Disposed of in the aforesaid terms.

(RAJESH BHARDWAJ)
JUDGE

November 21, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	No