



255 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6916-2023(O&M)

Date of Decision: 28.05.2024

Nachhatar Singh and others

..... Petitioners

Versus

Superintending Canal Officer, Sirhind Canal Circle,
Ludhiana, District Ludhiana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.J.S.Warring, Advocate for the petitioners.

Mr.Nirmaljit S.Diwana, Sr.DAG, Punjab.

Mr.Ajeet Pal Singh Palla, Advocate for respondent No.3.

RAJESH BHARDWAJ, J.(ORAL)

1. Prayer in the present petition is for quashing order dated 30.09.2022 (Annexure P-8) passed by respondent No.1 whereby order dated 31.05.2022 (Annexure P-6) passed by respondent No.2, refusing to transfer area measuring 4.29 acres of the petitioners on the basis of illegal, wrong, false and fabricated Command Statement (Annexure P-4), has been set aside.

2. Learned counsel for the petitioners has submitted that in the reply filed by the State, it has been mentioned that the impugned order dated 30.09.2022 (Annexure P-8) had been passed on the basis of the wrong Command Statement produced during the course of proceedings and thus, it has been prayed by the Superintending Canal Officer that the same be



allowed to be corrected by taking into consideration the correct Command Statement. It has been further mentioned in the reply that the parties would be heard again.

3. Learned State counsel has affirmed the aforesaid position.

4. Learned counsel for respondent No.3 has fairly submitted before this Court that in case this matter is remanded in view of the reply filed by the State, he would have no objection to that. However, the parties should be granted opportunity of addressing their arguments and producing the evidence, if any.

5. In view of the submissions made by learned counsel for the parties and the reply filed by the State, the impugned order dated 30.09.2022 (Annexure P-8) is set aside. The case is remanded back to the Superintending Canal Officer for decision afresh by taking into consideration the correct Command Statement. Fair opportunity of hearing would be granted to both the sides and fresh order would be passed expeditiously, preferably within a period of two months from the date of receipt of a certified copy of this order. A copy of the order so passed by the Superintending Canal Officer would be conveyed to the petitioner forthwith.

6. Pending application(s), if any, shall also stand disposed of.

7. Registry is directed to send the copy of this order to the Superintending Canal Officer for compliance.

(RAJESH BHARDWAJ)
JUDGE

28.05.2024

sunita

Whether Reasoned/Speaking : Yes/No

Whether Reportable : Yes/No