

THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.9019 of 2024
Date of Decision: 24.04.2024

Harjeet Singh Mann and others
..... Petitioners

Versus

Superintending Canal Officer, Ferozepur Canal Circle,
Ferozepur and others
..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Surinder Pal Singh Tinna, Advocate
for the petitioners.

Mr. Baltej Singh Sidhu, Senior Advocate with
Mr. Gurpreet Singh Brar, Advocate
for respondents No.3 to 10.

RAJESH BHARDWAJ, J. (ORAL)

Present writ petition has been filed for quashing the order dated 30.10.2023 (Annexure P-7) passed by respondent No.1 and order dated 28.07.2023 (Annexure P-6) passed by respondent No.2 whereby respondents No.1 and 2 have illegally and arbitrarily ordered for the transfer of area from one canal system to another canal system and thus, illegally sanctioned a new outlet at Burji No.19100-R Mullianwali Minor without following the procedure laid down under Section 30(A) to Section 30(C) and Rule 5(2) of the Northern India Canal and Drainage Act, 1873 and Rules made thereunder and the same is also in contradiction to the instructions/Guidelines dated 22.02.2024 (Annexure P-12).

It has been submitted by learned counsel for the petitioners that land of the petitioners was shifted from the existing outlet No.16670-R

Mullianwali Minor to new outlet at Burji No.19100-R Mullianwali Minor without consent of the petitioners. He has submitted that the petitioners were satisfied that they should be allowed to remain at the existing outlet however the authorities have passed the impugned order ignoring the consent of the petitioners.

Notice of motion.

On asking of the Court, Mr. Navneet Singh, Sr. DAG, Punjab and Mr. Gurpreet S. Brar, Advocate appear and accept the notice on behalf of respondents No.1 & 2-State and respondents No.3 to 10 respectively.

Learned senior counsel appearing on behalf of respondents No.3 to 10 has fairly submitted before this Court that he has no objection if the petitioners are allowed to remain at the existing outlet No.16670-R Mullianwali Minor and the present petition filed by the petitioners is allowed.

Learned counsel for the State, on instructions from Mr. Om Parkash, Zileadar, Abohar Division has also submitted that he has no objection regaring the same.

In view of the above position, the present petition is allowed. The impugned orders dated 30.10.2023 (Annexure P-7) passed by respondent No.1 and 28.07.2023 (Annexure P-6) passed by respondent No.2 *qua the petitioners herein* are hereby set aside. However the necessary action be taken by the respondents authorities in accordance with law.

24.04.2024
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No