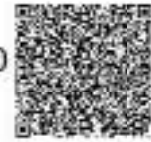


2024.PHHC.170480



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

**CWP-34490-2024
Date of Decision: 19.12.2024**

Sukhdeep Singh

..... Petitioner

Versus

Superintending Canal Officer, Ferozepur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

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

Mr. Navneet Singh, Senior DAG, Punjab.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, for issuance of a writ in the nature of Mandamus seeking direction upon respondent No.1 (Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur) to decide the stay application filed along with the appeal bearing Case No.4183/218-W (Annexure P-4) titled as "***Sukhdeep Singh Vs. Kulwinder Singh***", on behalf of the petitioner, in a time bound manner.

2. Learned counsel for the petitioner submits that during pendency of the aforesaid appeal (Annexure P-4), the authorities have illegally carved out a water course.

3. At this stage, Mr. Navneet Singh, Senior Deputy Advocate General, Punjab, appears on behalf of the respondents-State, in pursuance of the advance copy of paper book having already been supplied to him. He, on instructions from Mr. Sandeep Goyal, Superintending Canal Officer, Ferozepur, submits that the afore-said stay application filed along with the appeal preferred by petitioner, is pending consideration for 24.12.2024 before respondent No.1 (Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur); and in all probabilities, the same would be decided on the date already fixed (24.12.2024), and in any case, not beyond a period of two weeks thereafter.

4. Keeping in view the submissions made by learned counsel for the parties and without commenting on the merits of the case, the present writ petition is disposed of with a direction to respondent No.1 – Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur, to consider and decide the stay application and/or the appeal filed by petitioner, by way of passing a speaking order, after affording due opportunity of hearing to all the concerned parties, on the date already fixed, i.e. 24.12.2024, or in any case, not beyond a period of two weeks thereafter.

5. Further, the parties are directed to maintain *status quo* until the aforesaid stay application filed along with the appeal is decided by respondent No.1 (Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur).

5.1 In case, a water course has already been carved out, the same shall not be made operational till the decision of the afore-said stay application and/or the appeal filed by petitioner.

6. It is made clear that respondent No.1 (Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur) shall decide the stay

application/appeal on its own merits and without being influenced by any of the observations made hereinabove or by the fact that this Court has granted *status quo*.

- 7. The present petition stands disposed of in aforestated terms.
- 8. All pending application(s), if any, shall also stand closed.

19.12.2024
Apurva

(HARSH BUNGER)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No