



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

212

LPA-304-2020 (O&M)**Date of Decision: 11.09.2025**

RAMPHAL AND ANOTHER

...Appellants

Versus

CHIEF CANAL OFFICER, BHAKRA WATER SERVICES, IRRIGATION
AND WR DEPARTMENT, HARYANA AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**Present:- Mr. R.N. Lohan, Advocate,
for the appellant.

Mr. Aman Mittal, DAG, Haryana.

Mr. L.S. Sidhu, Advocate,
for respondent Nos.5 to 12.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present appeal, the challenge is to the order dated 07.02.2020 passed by the learned Single Judge in CWP No.22297 of 2016, whereby the writ petition preferred by the appellants has been dismissed, which is causing him prejudice.

2. Learned counsel for the appellants submits that the order passed by the learned Single Judge, wherein, it has been held that under Section 20(3) of the Haryana Canal and Drainage Act, 1974 (hereinafter referred to as '1974 Act'), the Superintendent Canal Officer or the Chief Canal Officer, have a supervisory powers over the order passed by the subordinate authorities, and if the said power is exercised, the same will not be contrary to the Section 24(4), according to which, with regard to the restoration of the



demolished or altered water-courses, the order passed by the Divisional Canal Officer is final, is incorrect appreciation of provisions of 1974 Act.

3. Learned counsel for the Appellate submits that both the Sections, i.e. the Sections 20 and 24 of 1974 Act are to be read separately and therefore, bringing out Section 20(3) into Section 24 of 1974 Act will not be the correct interpretation, as given by the learned Single Judge and therefore, the said order is liable to be set aside.

4. Learned counsel appearing on behalf of the respondent-State submits that once the Legislature has conferred the power of revision upon the Chief Canal Officer and the Superintending Canal Officer under Section 20(3), the same has to be read, having application to Section 24 as well.

5. We have heard the learned counsel for the parties and have gone through the case file with their able assistance.

6. It may be noticed that Section 20 of 1974 Act deals with the appeal as well as revision. Section 20(1) deals with the appeal, which arise from the orders passed by the Divisional Canal Officers, which are to be heard by the Superintending Canal Officer, whereas, under Section 20(2), the appeal is to be heard by the Chief Canal Officer qua the order passed by the Superintending Canal Officer. In Section 20(3), the power of revision has been conferred upon the Chief Canal Officer or the Superintending Canal Officer, who can *sue motu* call for the record of any case pending before or disposed of by any subordinate authority so as to satisfy whether the legality and the propriety of any proceedings, needs any interference or not with the exception that before passing any order in the revision, all the parties concerned are to be heard. The relevant Section 20 of 1974 Act is



under:-

“**20.(1)** An appeal against the decision of the Divisional Canal Officer under sub-section (2) of section 18 shall lie to the Superintending Canal Officer within thirty days of the publication of the scheme under section 19.

(2) An appeal shall lie against the decision of the Superintending Canal Officer passed under sub-section (1) in regard to any of the matters covered under clauses (a), (b) and (c) of subsection (1) of section 17, to the Chief Canal Officer within thirty days of the date of such decision.

(3) The Chief Canal Officer or the Superintending Canal Officer may suo motu, call for the record of any case pending before, or disposed of by any subordinate authority, for the purpose of satisfying himself as to the legality or propriety of any proceedings or of any order made therein and may pass such order in relation thereto as he may think fit:

Provided that no such order shall be made without affording the person affected an opportunity of being heard.”

7. It may be noticed that the Section 24 of 1974 Act deals with the restoration of demolished or altered/etc water-course. Under the said provision, the order passed by the Sub-Divisional Canal Officer can be challenged in appeal before the Divisional Canal Officer, and order passed in the said appeal shall be final. It may be noticed that the said Section 24 of 1974 Act only deals with the appeal, which is to be decided by the Divisional Canal Officer.

8. The argument raised by the learned counsel for the appellants is



that once the Legislature in seriatim has provided for appeal and revision under Section 20, and thereafter comes Section 24, where it has been mentioned that the order passed in appeal shall be final, it has to be treated that no revision can lie. However, the said argument cannot be accepted for the reason that merely in seriatim of Sections of 1974 Act, the claim with regard to restoration of demolition or alteration of the water-course is to be decided under Section 24, which is after the provisions of revision given in Section 20(3) of 1974 Act, it does not exclude the revisional powers conferred under Section 20(3). The fact that Section 20 precedes Section 24 does not mean that revisional jurisdiction cannot be invoked under Section 24 of 1974 Act.

9. The intention of the Legislature is to be seen and not the seriatim of the Sections conferring the power under 1974 Act. Once, while dealing with the power of appeal and revision, in case of revision, the power has been given to the Chief Canal Officer or the Superintending Canal Officer, which can be exercised even *suo motu*, the same has to be read harmoniously even qua Section 24 of 1974 Act also.

10. It may be noticed that the power of revision in the Section 20(3) has been given so as to satisfy the authority as to whether the order passed by the subordinate authorities is legal and the propriety of any such proceedings undertaken by the subordinate officer, the same has to be read once under Section 24 order in appeal is passed by the Divisional Canal Officer, which authority is also subordinate to the Chief Canal Officer and the Superintending Canal Officer hence, the said revisional jurisdiction can be exercised which Section 20(3) of 1974 Act.



11. Further, Section 20(3) deals with revisional power qua “any proceedings” and “any order” which clearly indicates that any order passed by the subordinate authority, even if same is under Section 24 of 1974 Act will be revisable under Section 20(3) of 1974 Act.

12. Further, as being argued that the Section 20 of 1974 Act should not be made applicable upon Section 24 of 1974 Act, cannot be accepted on the ground that all these Sections i.e. Section 20 as well as Section 24 of 1974 Act come under the same Chapter III and have to be dealt accordingly. Once, while dealing with Chapter III, wherein, Section 20(3) revisional jurisdiction has been given to Superintending Canal Officer as well as to Chief Canal Officer, which can be exercised *suo motu* as well. Therefore, it cannot be said that the exercise of powers under Section 24 of the 1974 Act stands outside the scope of Section 20(3). Rather, the Section 20 (3) has to be made applicable in matter arising under Section 24 as well.

13. Further, the argument which has been raised by the learned counsel qua Sections 20(1) and 20(2) of 1974 Act. The said argument cannot be accepted for the reason that under Section 20(1) of 1974 Act, Superintending Engineer is already deciding the appeal against the order passed by the Divisional Canal Officer and under Section 20(2) of 1974 Act, the Chief Canal Officer is deciding the appeal against the order passed by the Superintending Canal Officer. Once, these two authorities, which have been given power of revision under Section 20(3) of 1974 Act are already deciding appeal, the same Section 20(3) of 1974 Act has to be interpreted in a manner, which exercising jurisdiction of revision under Section 20(3) of 1974 Act, the same will be available qua any order passed by the



subordinate authority even if, the same has been passed under Section 24 of 1974 Act.

14. Keeping in view the above, the order dated 07.02.2020 passed by the learned single judge cannot be treated to be perverse to the provisions of 1974 Act.

15. Faced with this situation, the learned counsel for the appellants submits that the liberty may be given that in case permissible, the appellants can avail the remedy under Section 18 of 1974 Act before the authority concerned. Learned counsel for the respondent-State raises no objection for the same.

16. Keeping in view the above, the present appeal is dismissed with the liberty as sought by the learned counsel for the appellants.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 11, 2025
harish

Whether speaking/reasoned	Yes
Whether reportable	No