



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

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**LPA-2049-2014 (O&M)
Decided on : 25.03.2026**

NARDEV SINGH & ORS

...Appellants

Versus

SUPTD CANAL OFFICER & ORS

... Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

PRESENT: Mr. J. S. Brar, Advocate for the appellants.

Mr. Yatin Bunger, AAG, Punjab,
assisted by Mr. Davinder Singh, Zileadar Kotkapura,
Faridkot Canal Division.

Mr. R. K. Girdhar, Advocate
for the respondents No. 3 & 4.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present appeal, the challenge is to the impugned order dated 05.12.2014 passed by learned Single Judge in Civil Writ Petition No. 11203 of 2009, by which, the order dated 16.09.2008 passed by the Divisional Canal Officer whereby a 'sub minor' in place of a kacha water course of outlet Burji 383565-L Assa Butter and sanctioning of new outlet 268/236 acres was allowed under Section 30-B(2) of the Northern India Canal and Drainage Act of 1873 (herein after referred to as 'the Act'), has

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been upheld.

2. The primary argument raised by learned counsel for the appellant is that no scheme, as required under Section 30-A of the Act, 1873, to be prepared and published, was published. Therefore, the implementation of such a scheme, causing prejudice to the appellants, is liable to be set aside.

3. Learned counsel for the appellant further submits that the ‘scheme to be published under Section 30 of the Act, 1873, which has been attached as Annexure R-1 clearly shows that no description of the scheme in question was provided, which has caused prejudice to the appellants, as, no effective objections against said scheme could be filed.

4. In order to verify the actual facts, Learned State Counsel was requested to produce the record in the Court.

5. At the very outset, on instructions from Mr. Davinder Singh, Zileadar, Kotkapura, Faridkot Canal Division, learned State counsel submitted that the scheme in question was prepared on a cyclostyled proforma and that no description of the same was given.

6. On being asked as to whether framing of such scheme in such a manner as has been done in present case, was in accordance with the rules governing the said aspect or not, learned counsel for the State concedes that while preparing the scheme which is under challenge, the due process envisaged under Rules governing said issue was not followed. Learned State counsel further submits that the Scheme under challenge may be treated as withdrawn with liberty to frame a fresh scheme in accordance with law.

7. Keeping in view of the above, and since the scheme has already been withdrawn by the learned State counsel as stated herein above, the present appeal has been rendered infructuous. However, it is made clear that



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the respondent-State will be at liberty to frame a fresh scheme in accordance with law henceforth.

- 8. Ordered accordingly.
- 9. Pending civil miscellaneous application(s), if any, stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

25.03.2026

Riya
Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: ~~Yes~~/No