

(2013) 08 P&H CK 0818

High Court Of Punjab And Haryana At Chandigarh

Case No: CWP No. 4552 of 2013

Manphool and Others

APPELLANT

Vs

The Sub-Divisional Canal Officer
and Others

RESPONDENT

Date of Decision: Aug. 6, 2013

Acts Referred:

- Haryana Canal and Drainage Act, 1974 - Section 20(3), 24

Hon'ble Judges: Rakesh Kumar Jain, J

Bench: Single Bench

Advocate: Ashok Verma, for the Appellant; Saurabh Mohunta, DAG, Haryana and Mr. J.S. Thind, Advocate, to 6, for the Respondent

Judgement

Rakesh Kumar Jain, J.

Petitioners are aggrieved against the order dated 07.5.2012 passed by the Superintendent Canal Officer, who has declined to hear revision petition on the ground that he does not have the jurisdiction u/s 24 of the Haryana Canal and Drainage Act, 1974 [for short "the Act"]. Learned counsel for the petitioners has submitted that the impugned order is illegal as respondent No. 3 has the jurisdiction for hearing the revision petition u/s 20(3) of the Act.

2. In this regard, learned counsel for the petitioner has relied upon three decisions of this Court passed in CWP No. 1349 of 1992 titled as "Mange Ram Vs. The Sub Divisional Canal Officer and others", CWP No. 8179 of 1997 titled as "Ram Sarup Vs. Sahi Ram and others" and CWP No. 4312 of 2005 titled as "Tek Chand and another Vs. The Deputy Collector and others".

3. On the other hand, learned counsel for respondent No. 4 to 6 has not cited any law contrary to the judgments relied upon by the learned counsel for the petitioners.

4. Since, the matter is fully covered by the dictum of the aforesaid judgments, the impugned order is hereby set aside, the matter is remanded back to respondent No. 3 to hear the revision petition filed by the petitioner and decide the same, in accordance with law. Parties are directed to appear before respondent No. 3 on 26.8.2013.