

2026:PHHC:056553



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

**CWP-17344-2023 (O&M)
Date of Decision: 10.04.2026**

Sukhpreet Singh, Through his wife/attorney holder

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Siddharth Gupta, Advocate
for the petitioner.

Mr. Ishaan Kaushal, AAG, Punjab.

Mr. Kanwaljit S. Brar, Advocate
for respondent No.5.

HARSH BUNGER J. (ORAL)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India *inter alia* seeking a writ in the nature of Certiorari for setting aside order dated 21.09.2022 (Annexure P-3) passed by the learned Deputy Collector, Bathinda and order dated 22.02.2023 (Annexure P-4) passed by learned Divisional Canal Officer, Bathinda.

1.1

A further prayer has been made for setting aside the order dated

13.04.2023 (Annexure P-5) passed by the learned Superintending Canal Officer, Ludhiana Canal Division, Ludhiana, whereby the appeal filed by the petitioner against the order dated 22.02.2023 (Annexure P-4) and order dated 21.09.2022 (Annexure P-3), has been dismissed.

2. Briefly, respondent No.5 (Baldev Singh) filed an application before respondent No.4 – Deputy Collector, Canal Division, Bathinda, seeking turn of water from Moga Burji No.24575/TR, Bhawanigarh Minar, Village Kot Shamir, Tehsil and District Bathinda.

2.1 The aforesaid application filed by respondent No.5 was allowed vide order dated 21.09.2022 (Annexure P-3) passed by the learned Deputy Collector, Canal Division, Bathinda.

2.2 Thereafter, petitioner filed an appeal against the aforesaid order along with an application seeking condonation of delay; however, the said appeal was dismissed vide order dated 22.02.2023 (Annexure P-4) by the learned Divisional Canal Officer, Bathinda Canal and Ground Water Division, Water Resources Department, Punjab; on the ground of delay.

2.3 Aggrieved against the aforesaid order dated 22.02.2023 (Annexure P-4), petitioner preferred an appeal before respondent No.2, which was also dismissed vide order dated 13.04.2023 (Annexure P-5).

3. In the aforementioned circumstances, petitioner has filed the instant writ petition before this Court seeking relief(s), as noticed hereinabove.

4. Heard.

5. In the present case, the appeal preferred by the petitioner against the order dated 21.09.2022 (Annexure P-3) passed by the learned Deputy Collector, Bathinda was dismissed by the learned Divisional Canal

Officer, Bathinda vide order dated 22.02.2022 (Annexure P-4), on the ground of delay. The subsequent appeal filed by the petitioner before the learned Superintending Canal Officer was also dismissed vide order dated 13.04.2023 (Annexure P-5), thereby, affirming the order passed by the learned Divisional Canal Officer.

6. A perusal of paragraph No.3 of the application dated 17.02.2023 seeking condonation of delay in filing appeal before learned Divisional Canal Officer (copy whereof was shown during the course of hearing) as well as from a perusal of paragraph No. 5 of the writ petition reveals that the petitioner has explained the reasons for filing the appeal beyond the prescribed period of limitation. In paragraph No.5 of writ petition, the following averment has been made :-

“ x - x - x - x -

5. *That petitioner was under the impression that respondent No.4 had reserved the order on 21.09.2022 and the same will be conveyed to the petitioner by the concerned partwari. But when the concerned partwari had distributed the turns among the share holders of the said water channel, at the point of time petitioner had verified about the same and had later on come to know that order has already been pronounced on 21.09.2022. Thereafter, certified copy of the said order was applied on 16.02.2023 and the same was made available on the 16.02.2023 itself. Thereafter, petitioner had filed an appeal before respondent no.3 without any further delay on 17.02.2023 against the order dated 21.09.2022. A separate application for condonation of delay was also filed as for the reasons mentioned above, the same could not be filed within the limitation. Respondent no.3 vide its impugned order dated 22.02.2023 had dismissed the application for condonation of delay as well as the main appeal filed by the petitioner on the ground of limitation.”*

6.1 In my considered view, the explanation tendered by petitioner for condonation of delay appears to be genuine and this Court has no reason to doubt the same.

6.2 During the course of hearing, learned counsel for the petitioner further assures that the petitioner would be represented through his counsel on each and every date of hearing before the learned Divisional Canal Officer and that he would not seek unnecessary adjournments.

7. Keeping in view the assurance given by learned counsel for petitioner and also the well established legal position that matters should be decided on its own merits rather than technicalities so as to bring finality to the rights of the parties; I deem it appropriate to set-aside the order dated 22.02.2023 (Annexure P-4) passed by learned Divisional Canal Officer, Bathinda and also the order dated 13.04.2023 (Annexure P-5) passed by the learned Superintending Canal Officer, Ludhiana Canal Division, Ludhiana. Consequently, the appeal filed by the petitioner is restored to its original number and status before the learned Divisional Canal Officer, Bathinda, who shall decide the same on its own merits, within a period of three months from the date of appearance of the parties before him.

8. The petitioners are directed to appear before the learned Divisional Canal Officer, Bathinda through their counsel on 27.04.2026 or any other date as may be fixed by the learned Divisional Canal Officer, Bathinda.

9. It is made clear that restoration of the appeal will not mean that the learned Divisional Canal Officer, Bathinda is barred in any manner from proceeding in the matter in accordance with law or as the circumstances may warrant.

10. The present writ petition is partly allowed and disposed of in the aforestated terms.

11. All pending application(s), if any, shall also stand closed.

10.04.2026

Pd

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No