

110

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

CR No.3656 of 2015 (O&M)

Date of decision: May 27, 2015

Piara Singh and others

.....Petitioners

Versus

Gram Panchayat and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Nakul Sharma, Advocate
for the petitioners.

SABINA, J

Petitioners have filed this petition challenging the orders dated 16.12.2014 and 06.05.2015.

Petitioners have filed suit for permanent injunction. Alongwith the suit, petitioners moved an application for interim injunction. The courts below vide the impugned orders dismissed the said application. Hence, the present petition.

Learned counsel for the petitioners has submitted that the courts below have erred in dismissing the application moved by the petitioners for interim injunction. In fact, the dirty water had collected in the village as well as in the fields of the villagers. The resolution alleged to have been passed by the Gram Panchayat for laying down the underground pipes, had been stayed by the Director, Rural Development and Panchayat Department.

In the present case, petitioners have filed suit for permanent injunction challenging the action of the Gram Panchayat qua laying down of drains and underground pipes for drainage of dirty water. The case of the Gram Panchayat, on the other hand, is that they were carrying out the development work in the village by following due procedure. In fact, resolution had been passed on 23.01.2014 for construction of new drainage system so that there could be proper flow of dirty water.

It has been noticed by the Appellate Court that earlier an arrangement was made to drain the dirty water of the houses through Pond No.1 to Pond No.2 and resolution in this regard was passed by the Panchayat on 17.10.1994. Now, in the year 2014, resolution had been passed by the Gram Panchayat dated 23.01.2014 for drainage of dirty water by laying down the underground pipes. In this regard, proposal moved by the Gram Panchayat was sent to the Block Development and Panchayat Officer and the spot was inspected by the Junior Engineer. Thereafter, the Gram Panchayat was permitted to spend Panchayat funds to lay down the drain and underground pipes.

Annexure P-13 is the order passed by Director, Rural Development and Panchayat Department in an application moved by Bhajan Singh, villager. The said order is dated 13.05.2015 and a perusal of the same reveals that

the operation of the resolution dated 23.01.2014 has been stayed. Thus, the matter is already under consideration before the concerned authorities.

In view of the above noted facts, no ground for interference by this Court, is made out.

Petition stands disposed of, accordingly.

**(SABINA)
JUDGE**

May 27, 2015
m.singh