

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

CWP No.6607 of 2015
Date of Decision: 22.12.2015

Gram Panchayat Aulakh

. . . .Petitioner

Versus

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Raj Kumar Garg, Advocate,
for the petitioner.

Mr.Yatinder Sharma, Addl. A.G. Punjab.

Mr.Ramesh Sharma, Advocate,
for respondents No.5 to 8.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed by the Gram Panchayat of Village Aulakh for quashing of the order dated 4.3.2015 passed by the District Development and Panchayat Officer, Jalandhar by which the Block Development and Panchayat Officer, Mehatpur was directed to lay down the sewerage pipelines on the smaller route having 310 feet length.

In short, the case set up by the petitioner is that the petitioner in its meeting held on 20.2.2014 passed a resolution for laying down the sewerage pipelines for draining out dirty water upto the pond. It is alleged that because of the interference of private respondents No.5 and 6, the respondents have changed the route otherwise if the sewerage pipelines were allowed to be laid down as proposed by the respondents, it may cause harm to the houses built on the periphery of the street, therefore, prayer has been made not

only to quash the order dated 4.3.2015 but also for a direction to the respondents for not to interfere in the completion of the work. Replies have been filed on behalf of respondents No.1 to 4 and 5 to 8 separately.

The case of the respondents is that the petitioner has not come to the Court with clean hands as it has referred only to the resolution dated 20.2.2014 whereas resolution was also passed by the Panchayat on 19.12.2011 in which a shorter route was specifically provided and the subsequent resolution dated 20.2.2014 does not even talk of the earlier resolution passed by the Panchayat and/or the reasons for changing the route because now the Panchayat has been asking for laying down the sewerage pipelines from Phirni whereas earlier it was decided to lay down the pipeline through the street because the distance of the route being suggested by the petitioner is of 761 feet whereas the route recommended by the respondents is only 310 feet. There is thus saving of 450 feet route on which the Panchayat has to incur unnecessary expenses to which a grant of only 3 lacs has been granted as mentioned in resolution dated 20.2.2014. It is also urged that the petitioner has claimed that the financial assistance would be provided by the NRIs of the village for the completion of the pipelines from the longer route but no amount has been deposited and the Panchayat is not in a position to bear the extra burden of spending the money on 450 feet route. It is also urged that not only the financial constraints are there but the petitioner is also apprehending that with the laying down of the pipelines, the houses of both sides of street would be damaged though according to the petitioner, already some pipelines

have been laid down and no report has been produced on record regarding any damage.

I have heard learned counsel for the parties and examined the available record.

The site plan produced by the petitioner (Annexure P-2) would reflect the state of affairs where the red line shows the longer route whereas the green line depicts the shorter route. Since, the Panchayat has to save the money in the construction of pipeline on shorter route which is of 310 feet as against 761 feet longer route, the mere apprehension of the petitioner that with the laying down of the pipeline the houses located on the street would be damaged, cannot be accepted in the absence of any evidence brought on record. The petitioner cannot rely upon its resolution dated 20.2.2014 in which there is no reference of the earlier resolution dated 19.12.2011 in which the route was given and has been changed in the resolution dated 20.2.2014 on which the petitioner has relied.

Thus, in view of the aforesaid facts and circumstances, the cause shown by the petitioner is totally misconceived and hence, the present petition is hereby dismissed. No costs.

22.12.2015*Vivek***(RAKESH KUMAR JAIN)
JUDGE**