

Civil Writ Petition No. 23809 of 2016

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

Civil Writ Petition No. 23809 of 2016

Date of Decision: 18.11.2016

Municipal Corporation Faridabad and another

.....Petitioner

Vs.

Permanent Lok Adalat (Public Utility Services), Faridabad and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

RAMESHWAR SINGH MALIK J. (ORAL)

Present writ petition is directed against the impugned order dated 29.3.2016 (Annexure P-3) passed by the learned Permanent Lok Adalat, (Public Utility Services), Faridabad, whereby an agreed order was passed.

Heard learned counsel for the petitioners.

The relevant part of the impugned order (Annexure P-3), available at page 37 of the paper book, reads as under:-

“The above Joint Commissioner having put up appearance before this Adalat apprised the court that there was no provision for regularizing the water and sewer connection of the petitioners at the site on which the property was situated vested in Municipal Corporation, Faridabad as is evident from the revenue record in the shape of copy of Jamabandi for the year 1986-87 placed on file. Simultaneously he added that

until the respondent proceeded to evict the persons like the petitioners from the site as per law the water and sewer connection of the petitioners shall not be disconnected. He further submitted that there are other persons occupying similar sites on the same Khasra No. 129. Similar action shall be taken against all of them as and when it is deemed necessary as per law. Till then the existing state of affairs at the site regarding the water and sewer connection of the petitioners shall be maintained.

Confronted with the above assurance given by the above officer representing the respondent, the petitioners were more than satisfied. She submitted that the petitioner be disposed of in terms of the above submission made by the above officer.

In view of the above scenario emerged before us during conciliation proceedings the petition is hereby disposed of with a direction to the respondents to maintain the status quo regarding the existing state of affairs with regard to the water and sewer supply connection of the petitioners like other persons residing in that locality until as per law the action is taken against them for seeking their eviction from the site. The petition stands disposed of accordingly with no order as to costs. File be consigned to records.”

A bare reading of the abovesaid impugned order would show that it is an agreed order, which was based on the statement made by the Joint Commissioner. Further, status quo has been directed to be maintained till an appropriate action is taken, in accordance with law, against all the persons which also includes respondent No.2, seeking their eviction from the site.

When confronted with the abovesaid fact situation obtaining on

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record of the present case, learned counsel for the petitioners had no answer and rightly so, it being a matter of record. Having said that, this Court feels no hesitation to conclude that the impugned order has not been found suffering from any patent illegality or perversity and the same deserves to be upheld. During the course of hearing, learned counsel for the petitioners failed to point out any prejudice, which might have been caused to the petitioners, by passing of the impugned order, warranting interference at the hands of this Court, while exercising its writ jurisdiction under Articles 226/227 of the Constitution of India.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that instant writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present writ petition stands dismissed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

18.11.2016
Ak Sharma

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No