

Civil Writ Petition No. 8782 of 2013 (O&M)

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

**Civil Writ Petition No. 8782 of 2013 (O&M)
Date of Decision: 29.11.2016**

Mehal Singh and another

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr.Sandeep Sharma, Advocate for
Mr. Rajesh Bhatheja, Advocate
for the petitioners.

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

Mr. P.L. Singla, aDvocate
for respondents No. 4 and 5.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the alleged inaction on the part of respondent authorities, petitioners have approached this Court, by way of instant writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of Mandamus.

Notice of motion was issued and in compliance thereof, written statements were filed. Thereafter, status report by way of affidavit dated 21.7.2016 of Block Development and Panchayat Officer, Block Kot Ise Khan, District Moga, was also filed.

The prayers made by the petitioners in the present writ petition

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read as under:-

(i) *a writ in the nature of Mandamus directing the respondents to install drain pipes in the village Indergarh to make arrangement for the drainage of the waste water of village.*

(ii) *It is further prayed that direction be issued to the respondent No.2 to 4 not to divert the flow of waste water towards the land of the petitioners”*

The averments taken in the status report dated 21.7.2016, read as

under:-

1. *“That earlier the provision was there for the discharge of rainy water through pucca drain passing between the khasra No. 64//1 and 65//5. Further the owner of khasra No. 50//25 donated land for the discharge of rainy water of the village in the main drain but the petitioner did not allow to pass the rainy water to the main drain which measures only 22 feet. Efforts were made for settlement for putting pipe line for discharge of water even that was not allowed. The copy of the site plan is attached as Annexures R3/2.*

2. *That during the pendency of writ petition the village Gram Panchayat diverted the passage of rainy and disposal water through RCC pipe lines as shown in the attached plan Annexure R3/3 A-C-D-E and put it into the main drain. The previous drain which was going from A to B was closed and flow of the water has been diverted as stated above.*

3. *That resolution has been passed by the Gram Panchayat vide resolution dated 1.4.2016 to this effect and report was submitted by respondent No.3 to the Director, Rural Development and Panchayat Department, SAS Nagar, Mohali, vide letter dated 5.4.2016 alongwith resolution and site plan. At present the flow of disposal*

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water and rainy water has been stopped and diverted at point B that is much behind the fields of the petitioner.”

Learned counsel for the State submits that in view of the facts narrated in the status report dated 21.7.2016, the needful has already been done, rendering the present petition infructuous and the same may be disposed of, as such.

In view of the abovesaid undisputed fact situation obtaining on record of the present case, present writ petition is disposed of in terms of the status report dated 21.7.2016. However, it is clarified that if the arrangement made as per the abovesaid averments taken in status report dated 21.7.2016, is not found workable at a later point of time, petitioners shall be at liberty to pursue their remedy with the respondent authorities, in accordance with law.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

29.11.2016
Ak Sharma

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