

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1537 of 2017 (O&M)

Date of Decision: 30.01.2017

Jasbir Singh & Anr.

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE HARI PAL VERMA

Present: Mr. KS Jetley, Advocate for the petitioners

SURYA KANT, J. (Oral)

(1) Notice of motion. On our asking, Mr. Deepak Balyan, Addl. AG Haryana accepts notice on behalf of respondents No.1 to 4. In view of the nature of order which we propose to pass, other respondents are not required to be served nor any reply is needed.

(2) The petitioners are residents of village Dhakaula, PO Saha, Tehsil Barara, District Ambala. They allege that the Sarpanch of the Gram Panchayat and respondent No.7 in collusion and connivance have closed the public drain passing through their village from Point 'D' to 'A' in the site plan appended as Annexure P5. They have also placed on record the photographs suggesting the digging and earth work at the site. The petitioners are said to have made complaints to various authorities including the Director General of Police to register the case but finding no action on their complaints, the instant writ petition has been filed.

(3) From the material on record, it appears that a fact finding enquiry is required to be conducted by the Deputy Commissioner, Ambala/Officers of the District Administration so that appropriate follow up action can be taken. We thus dispose of the writ petition without expressing

direction to the Deputy Commissioner, Ambala to depute the DDPO or BDPO to hold a fact finding enquiry within two weeks and if the allegations made by the petitioners are found to be correct, initiate necessary action as may be required in law. Needless to say that if the public drain has been unauthorisedly closed, it is imperative upon the authorities to restore it to *status quo ante* so that the residents of the village do not suffer as a result of flood or other natural calamities.

(4) The needful shall be done within a period of one month from the date of receipt of certified copy of this order.

(5) Ordered accordingly.

(Surya Kant)
Judge

30.01.2017
vishal shonkar

(Hari Pal Verma)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No