

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5908-2016(O&M)

Date of Decision: November 29, 2017

Jaswant Singh and others
Versus

.....Petitioners

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDHIR MITTAL**

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.A.K.Chopra,Senior Advocate with
Mr.Deepak Sonak, Advocate
for the petitioners.

Mr.Kanwaljit Singh, Senior Advocate with
Mr.Ajaivir Singh, Advocate
for the applicant in CM-7775-2016.

Mr.Salil Sagar, Senior Advocate with
Mr.Sankalp Sagar, Advocate for respondent No.5-MC, Zirakpur

Mr.Akshay Bhan, Sr.Advocate with
Mr.Abhishek Sanghi, Advocate
for the applicant in CM-8087-2016.

Ms.Anu Pal, AAG, Punjab.

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SURYA KANT, J.

The instant writ petition has been filed primarily to seek a restraint order against the Irrigation and Drainage Department, Punjab, from constructing the 'Sukhna Choe Bed' with RCC slabs, allegedly by changing the natural course of the said 'choe'.

[2] Learned State counsel on instructions informs that the

construction work is complete in all respect, which has been carried out on

the request/recommendations of the Air Force Authorities, who had requested to connect the water flowing from Air Force area towards 'Sukhna Choe'.

[3] The construction of 'Sukhna Choe Bed' with RCC slabs, in our considered view, has improved the living conditions of inhabitants of the adjoining area as it prevents the non-stop emission of foul smell/stink from sewerage/accumulated water, which had become a continuous source of discomfort and nuisance to the inhabitants of the village/township.

[4] As regard to the removal of unauthorised constructions, learned counsel for the petitioner rightly submits that the same are required to be removed, especially in terms of the directions earlier issued by this Court in CWP No.7017 of 2010 decided on October 15, 2012 (**Jaswant Singh vs State of Punjab and others**). With regard thereto Shri Salil Sagar, learned Senior counsel for the Municipal Council, Zirakpur, states that they have removed the unauthorised construction. He assures that the left out unauthorised construction, if any, shall also be removed within a period of six months. Shri Sagar further assures that in future no unauthorised construction shall be allowed to take place and no application to raise construction on 'Sukhna Choe Bed' will be accepted.

[5] Needless to say that the flow of rainy water in the 'Sukhna Choe Bed' through constructed drain shall be properly maintained and periodically inspected to ensure that no inconvenience is caused to the residents of Baltana township.

[6] As regard to the petitioner's allegations of extending undue benefit to any builder/private colonizer or other affluent person(s), liberty is

granted to them to file a separate petition by impleading such person as a party respondent and seek appropriate action in accordance with law.

[7] We are informed that the roads have also been properly metaled. However, we direct the Municipal Council to upkeep and maintain those roads in future as well.

[8] Since there are specific allegations of raising construction of unauthorised commercial shops etc. by the Office bearers of the Municipal Council/builders, needless to say that the ongoing action of removal of unauthorised construction shall take care of those alleged unauthorised construction also, if any.

[9] Nothing else survives in this writ petition, which is accordingly disposed of and all the pending CMs stand disposed of.

**(SURYA KANT)
JUDGE**

November 29, 2017
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**(SUDHIR MITTAL)
JUDGE**

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |