

**COCF No. 1983 of 2017 (O&M)
Date of decision: 05.12.2018.**

Manoj Kumar and another

...Petitioners

Versus

Akhilesh Kumar Srivastava and another

...Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Denson Joseph, Advocate and
Mr. Shiv Kumar, Advocate
for the petitioners.

Mr. Chetan Mittal, Sr. Advocate with
Mr. R.S. Madan, Advocate
for respondent No.1.

Mr. Sandeep S. Mann, Sr. DAG, Haryana.

NIRMALJIT KAUR, J.(ORAL)

The present contempt petition is filed for non-compliance of order dated 15.09.2016 vide which a direction was issued to the respondents for passing an appropriate order in accordance with law.

Reply has been filed on behalf of respondent No.1 as well as the status report in pursuance to the last order in the form of an affidavit of Mohd. Safi, Project Director, CMU-Mathura at Faridabad, NHA1 stating therein that the inspection was carried out in terms of order dated 15.10.2018 and it was found that certain steps were required to be taken up by the Municipal Corporation, Faridabad. Thereafter, on the request of NHAI, Municipal Corporation, Faridabad has submitted its report and have assured that the sewerage water will not flow on the National Highway, unless on account of unavoidable circumstances and the drain for storm water have also been constructed and existing drains have been

will be taken for future as well. Secondly, reply has also been filed on behalf of respondent No.2 stating therein that the FIR has been registered. Today, learned State counsel, on instructions from Pardeep Kumar, ASI, Police Station, Sector-7, Faridabad stated that challan has also been filed and the matter is now fixed before the Judicial Magistrate for framing charges against six accused.

The substantial grievance of the petitioners stands redressed. However, in view of the fact that no order has been passed on the request of the petitioners qua compensation, the respondent No.1 is directed to consider the same and in case, the respondents are of the view that they are not entitled to the compensation, a speaking order be passed within two weeks from today with liberty to the petitioners to challenge the same in accordance with law. In case the respondents arrive at the conclusion that the said compensation has to be paid then the same be disbursed to the petitioners within four weeks thereafter.

Disposed of in the above terms.

Rule issued against the respondents stands discharged.

05.12.2018

renu bala

**(NIRMALJIT KAUR)
JUDGE**

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