

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.23527 of 2018 (O&M)

Date of Decision: 28.09.2018

Bhag Singh

..... Petitioner

Vs.

Union Territory, Chandigarh and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.K.S. Mamrat, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has challenged the order of the Permanent Lok Adalat (Public Utility Service), Union Territory, Chandigarh [for short 'the PLA'] by which an application filed by him under Section 22C of the Legal Services Authorities Act, 1987 [for short 'the Act'] has been dismissed.

In short, the petitioner is admittedly a co-sharer in the land falling in Khewat No.91, Khatoni No.110 Khasra No.22/30 situated at Saini Mohalla, Village and Post Office, Dadu Majra, Chandigarh in which he has a bara/cattle shed. The water connection was installed in the said bara since 24.1.2014 bearing meter/account No.310/DM01/014203 which was disconnected on 29.12.2016 on a complaint filed by respondent No.5, who has alleged that the petitioner is not the exclusive owner of the property in dispute and has obtained the water connection in the property in dispute without seeking his permission/no objection certificate. Aggrieved against the said action

of the official respondents, the petitioner filed an application under Section 22C of the Act before the PLA which was dismissed by the PLA, *inter alia*, on the ground that the petitioner has obtained the water connection by suppression of facts because he had projected before the official respondents that he has obtained no objection from all the co-sharers, who were stated to be 4 in numbers but actually there were 8 co-sharers of the property in dispute and also that the water connection cannot be issued in the name of the petitioner until and unless no objection is obtained by him from all the co-sharers.

Learned counsel for the petitioner has submitted that he had obtained the water connection after following the due procedure and had been regularly paying the water charges but it is not denied by him that the land in dispute has not been partitioned so far.

I have heard learned counsel for the petitioner and perused the record.

The provision of the water supply in the UT, Chandigarh is regulated by the Chandigarh Water Supply Bye-laws 2011 which has been further amended by the Chandigarh Water Supply Bye-Laws (1st Amendment), 2016 notified on 3.5.2016. The water connection can be procured by the owner of the premises. The petitioner is admittedly not the exclusive owner of the premises rather he is a co-sharer which is admitted in the petition that the land has not been partitioned so far. Therefore, the other co-shares are also the owners of the said land. The petitioner had applied for water connection after getting NOC from 4 co-sharers but as per the revenue record there are 8 co-sharers in the land in question. The petitioner did not obtain the NOC from other co-sharers. This fact has come to the notice of the PLA and it has rightly

been observed by it that not only the petitioner has suppressed the material facts from the department at the time of obtaining water connection but he has also wrongly alleged himself to be the owner of the property in question.

In view thereof, there is hardly any error on the part of the respondents in passing the impugned order and hence, the writ petition is found to be without any merit.

Dismissed.

(RAKESH KUMAR JAIN)
JUDGE

28.09.2018

Vivek

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No