

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCF No. 531 of 2016 (O&M)

Date of Decision: 22.07.2019

Jaskaran Singh

.....Petitioner

Versus

Sukhjit Singh Bains and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. N.S. Swaitch, Advocate
for the petitioner.

Mr. Aditya Sharma, AAG Punjab.

Mr. Nakul Sharma, Advocate
for respondent No.4.

AVNEESH JHINGAN, J.(oral)

The dispute in the present petition was with regard to digging of pond for discharge of dirty water of the village. Civil Writ petition No. 12078 of 2012 seeking direction to the respondents was filed. The said petition was disposed of vide order dated 8.7.2013, which reads as under:

*"By making reference to the site plan on record, Mr. Rajinder Goal, Additional Advocate General, Punjab has also stated that only a portion of land falling in khasra No. 80 is going to be used for the purpose in question. The village Gram Panchayat has also said so. The Gram Panchayat is a representative body and it is to look after development in the village. The Gram Panchayat has undertaken the work to dig up a pond in the part of land falling in khasra No. 80 to throw dirty water of the village. We feel that action taken is in the interest of village because sullage water cannot be allowed to spread in streets. As a word of caution, we direct the Gram Panchayat to secure the pond in such a manner that children may not suffer in future.
Dismissed."*

In the application made for modification of order, the order was modified vide order dated 20.4.2018 to the following extent:

"We have seen the photographs of water treatment plant placed on record by the Gram Panchayat and are satisfied that the order dated 08.07.2013 deserves to be slightly modified to the extent that instead of khasra No.79, khasra No.81 be read for the purpose of construction of treatment plant for dirty water of the village. We find from the photographs that khasra No.79 has been utilised for construction of Day and Night Stadium and playground of international standard. Disposed of."

Learned counsel for the Gram Panchayat makes a statement in the Court today that in Khasra No. 81 instead of digging of pond for discharge of dirty water, a water treatment plant has been established.

Learned counsel for the petitioner due to lack of instructions, is not able to rebut the said statement.

In view of above, the contempt petition is disposed of as infructuous with liberty to petitioner to revive the contempt petition in case there is discrepancy in the statement made by the Gram Panchayat today in the Court. It is further clarified that if still some grievance survives the petitioner would be at liberty to avail remedy in accordance with law.

(AVNEESH JHINGAN)
JUDGE

22.07.2019
reema

Whether speaking/reasoned	Yes
Whether Reportable:	No