

**130 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-1330-2019(O&M)
Date of decision-21.01.2019**

Karamjit Singh and others

...Petitioners

Vs.

The Union Territory, Chandigarh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Bhupinder Banga, Advocate,
 for the petitioners.

JITENDRA CHAUHAN, J.

This writ petition under Articles 226/227 of the Constitution of India has been filed for the issuance of an appropriate writ, in the nature of mandamus directing the respondent to stop the construction of unauthorised public toilet in front of the Hotel and Market of Sector-45-A, Chandigarh.

This Court had passed the following order on 18.01.2019:-

“At this stage, the Court is not inclined to issue notice of motion. However, Mr. Anil Lamdharia, Advocate, learned counsel for U.T. Chandigarh has been asked to have necessary instructions with regard to the submissions that the washroom, if allowed to be constructed, is likely to contaminate the water supply of the area.

A complete set of paper book has been handed over to learned counsel for U.T-Chd.

Post again on 21.01.2019.”

In response to the order dated 18.01.2019, the status report dated 20.01.2019 has been filed in the Court, which is taken on

record as Mark 'A' and which reads as under:-

“Initially, Hon'ble Member Parliament, Chandigarh Mrs. Kirron Kher forwarded request to Deputy Commissioner, U.T., Chandigarh to prepare an estimate for the work of construction of toilet blocks on the already earmarked locations vide her letter No. MP/CHD/W-222/2018/633-34 dated 1st May, 2018. The work was to be funded out of the MPLAD Scheme. Accordingly, administrative approval was issued by the Deputy Commissioner, U.T., Chandigarh vide No. 175/W-222/SDE/2018 dated 19.06.2018 for Rs.60,03,000/-. The estimate was also got technically approved subsequent to the above, 75% amount of estimate cost i.e. 45,02,250/- was deposited by the Deputy Commissioner, U.T., Chandigarh. Accordingly, the tender was allotted to M/s Jai Maa Engineers & Contractors, # 2313/3, Sector45-C, Chandigarh for the construction of 05 Nos. Toilet blocks in village Burail, Chandigarh (under MPLAD Scheme) W. No.222/16th L.S. Vide EEMCPH-2 Memo No.8294-97 dated 23.08.2018. The work was started and 3 Nos. Toilets were constructed at various locations along the Phirni road of village Burail without significant hindrance. At the 4th site of work, which was allocated in front of Surya Hotel could not be started due to retaliation by shopkeeper without any genuine reason. The side earmarked for public toilet No.4 is near the existing tube well site.

The encumbrances regarding water supply was got checked from the staff and officers deployed for water supply distribution system of the area. The work was started only after getting the clarification regarding presence of any water supply line crossing from the site ear marked for 4th public toilet. It is pertinent to mention here that work was deliberately stopped by the shopkeepers for 3 times. Consequently a letter was written by Commissioner Municipal

Corporation, to Senior Superintendent of Police, U.T., Chandigarh Sector-9, U.T., Chandigarh for providing of Police Protection on dated 14.01.2019. The police personals were deployed at site in question on 14.01.2019 and construction work was started. Till date the superstructure of the toilet building has been erected on the earmarked site which was also got approved from the Chief Architect, Department of Urban Planning, Chandigarh Administration vide their memo No. STP-2018/1385 dated 07.03.2018.

It is further submitted that the petition is against the public interest and construction of toilets is for public utility. It is also the demand of public residing in the area, the obstruction created by the shopkeepers are illegal and unwarranted. It is also submitted that no water line is crossing from the site allocated for the construction of Public Toilet.”

In view of the status report, the Court feels that the present petition is ill-conceived and has been filed with ulterior motive. No cause of action has arisen in favour of the petitioner to file the present writ petition. Consequently, the instant petition is hereby dismissed.

(JITENDRA CHAUHAN)
JUDGE

21.01.2019

ps-I

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No