

CWP No. 4497 of 2018 (O&M)

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

**CWP No. 4497 of 2018 (O&M)
Date of decision: 18.01.2019**

Vijender Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Vijender Singh, petitioner in person.

Mr. Deepak Balyan, Additional A.G. Haryana.

Mr. D.P.S. Bajwa, Advocate,
for respondent No.6.

KRISHNA MURARI, CHIEF JUSTICE (Oral)

Petitioner has approached this Court in public interest, seeking a Mandamus to command the respondents to remove the earth filled in the pond situated in khasra No. 235 in village Dhakal, Tehsil Narwana, District Jind, and to restore it to its original position.

In response to the notice, Gram Panchayat has filed a written statement, wherein it has been pleaded that that pond was filled with mud under the MANREGA Scheme, on the basis of a resolution, dated 15.12.2013, passed by the Gram Panchayat, inasmuch as during rains, the

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pond got filled with filthy and drainage water, which became a major cause of serious diseases. It is also stated that when the situation got worse from bad, a meeting of the Gram Panchayat was called and after considering all the aspects relating to the pond in question, a unanimous decision was taken to fill the same with mud, so that problem of dangerous diseases during the rains, like dengue, malaria etc., could be curbed. It is also stated that the decision to fill the pond was taken in larger public interest and to ensure safety of life and health of the villagers and to curb the diseases.

On the other hand, petitioner, who is appearing in person, refers to a resolution, dated 13.7.2017, passed by the same Gram Panchayat, wherein a decision is said to have been taken that the pond be got dug up so that water is drained out and the pond is rejuvenated. It also records that the expenditure will be met from the panchayat fund.

Thus, the issue before us, as a matter of fact, raises disputed questions of facts to be entered into and resolved. It has been brought to our notice that the State has set up an Authority under “The Haryana Pond and Waste Water Management Authority Act, 2018 (Haryana Act No.33 of 2018) [for short ‘the Authority’].

In our considered opinion, the Authority is fully equipped to enter into and adjudicate upon the disputed questions of fact being raised in this petition and it would be appropriate if the petitioner is relegated to avail the remedy before the Authority in respect of the grievances raised herein.

Accordingly, we dispose of this petition, with liberty to the petitioner to make a representation ventilating his grievances, which have been raised in this petition, before the aforesaid Authority within a period of four weeks from today. The Authority is directed that in case any such

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representation is made by the petitioner, it shall consider and decide the same, in accordance with law, by a reasoned and speaking order, after notice and affording an opportunity of hearing to all the stakeholders, within a further period of 10 weeks from the date of receipt of representation from the petitioner.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

January, 18, 2019
AK Sharma

Whether speaking / reasoned:	YES
Whether Reportable:	NO