

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.16466 of 2020

Date of Decision:-27.11.2020

Ranbir Singh & Ors.

.....Petitioners.

Versus

State of Haryana & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present:- Mr. Rahul Jaswal, Advocate for the Petitioners.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

Mr. Ramdeep Partap, Advocate for the respondent No.4.

JASWANT SINGH, J.(ORAL)

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court]

This writ petition has been preferred by nine (9) petitioners, who claim themselves to be the residents of Village Khora Kheri, District Karnal, seeking issuance of directions to respondents to expedite repair/ re-carpeting of the road from Village Khora Kheri to IOCL township Gate No. 1 situated at Karnal.

Learned Counsel for the petitioner has argued that as per estimates given by PWD (B&R) Department Karnal in the year 2012 (Annexure P-4) and subsequent letters dated 30.06.2020 (P-9) and

06.07.2020 (P-10), the IOCL is to deposit an amount of Rs. 213.75 Lacs for widening and strengthening of the road from Village Khora Kheri to IOCL township Gate 1. On the basis of said estimates and subsequent letters, learned Counsel has submitted that IOCL has not released the funds till date, which has resulted into worsening of road condition. Hence writ has been filed seeking directions.

Although we had expressed our reservations regarding the locus of petitioners and maintainability of present writ petition, however, in order to find a solution to the problem, on dated 08.10.2020 we had asked counsel for respondent no 4-IOCL, who was appearing on advance notice, to apprise us about the reason why funds were not released.

In pursuance to our order dated 08.10.2020, counsel for respondent no 4-IOCL has placed on record memo dated 27.10.2020 whereby it has been clarified by IOCL to PWD (B&R) that it is not responsible for maintaining the road in question, as no area from Village Khora Kheri was acquired for IOCL. Hence, the IOCL is not bound by the estimates given and cannot release any funds for the purpose of maintenance/ widening or strengthening of road in question.

Once that is so, we are of the opinion that nothing survives in the present writ petition as the entire cause of action of petitioners was on the basis of letters written by PWD (B&R), Karnal to IOCL for release of funds. It is inter-se dispute amongst the two Government entities as to who is to maintain the road and this factual aspect cannot be decided in a writ petition. That is the role of District Administration and/or Civil Courts to adjudicate we do not intend to assume its role. Here we are constrained to add that it is unfortunate to see Writ Jurisdiction being invoked at the drop

of hat, as if High Courts are Tehsil Courts. The inherent powers are to be exercised consciously and by exercising self restraint. Our Constitution has deliberately empowered the Executive to manage the day to day working of a District. By invoking Article 226 we cannot over-reach the functioning of District Administration. For each grievance, the Legislature has provided for remedies to its Citizens by enacting statutes, which are required to be invoked by them for redressal. Thus, the citizens are expected to approach the right forum and raise their pleas there and not approach the High Court directly. Hence we find that the present writ petition is not maintainable.

In view of the above, we dismiss the present writ petition.

(JASWANT SINGH)

JUDGE

(RAJESH BHARDWAJ)

JUDGE

November 27, 2020

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>