
HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.3150 of 2021

Date of decision:11.02.2021

Sunil Dutt

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Ajit Kumar Sharma, Advocate,
for the petitioner.

(The proceedings were conducted through video
conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

In the present writ petition, filed under Articles 226/227 of the Constitution of India, the petitioner seeks specific directions to respondents no.1 to 5 to take legal action against private respondent no.6. The petitioner is aggrieved against the act and conduct of the said respondent, who is allegedly damaging the house of the petitioner and, therefore, the directions are sought to take legal action against the said respondent.

Perusal of the writ petition would go to show that the plot of the private respondent no.6 is located behind the house of the petitioner and he is using it for growing vegetables and planting trees, due to which there is water logging and seepage into the house of the petitioner and, therefore, the house of the petitioner is getting damaged due to the flow of the water towards the house of the petitioner, which is stated to be on the lower side.

Counsel for the petitioner has argued that the Sub Divisional Officer (Civil), Gohana has also written to the Deputy Commissioner, Sonapat regarding this aspect as per the report dated 21.12.2020 (Annexure

P-4), however, no action has yet been taken against the private respondent no.6.

In the considered opinion of the Court, the dispute is purely private and civil in nature as there is no public nuisance as such and there is admission of ownership of the two properties by the petitioner and the private respondent no.6. In such circumstances, the petitioner has an alternative efficacious remedy to approach the Civil Court for the redressal of his grievances and no directions can be issued to the official respondents to take any action, civil or criminal.

Thus, in view of the availability of an alternative efficacious remedy to the petitioner, the present writ petition is not maintainable in view of the law laid down by the Supreme Court in **United Bank of India Vs. Satyavati Tandon and others**, 2010(8) SCC 110.

In view of the above, the present writ petition is dismissed being not maintainable, with liberty to the petitioner to avail his alternative efficacious remedy, in accordance with law, if so advised.

February 11, 2021
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(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No