

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

CWP-11757-2020 (O&M)
Date of decision : 21.01.2021

Sunil Dutt Sharma

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.C. Arora, Advocate for the petitioner.

Mr. T.P.S. Chawla, DAG, Punjab
for respondent Nos.1 to 3 and 6.

Mr. Abhilaksh Gaind, Advocate for respondent Nos.4 and 5.

Mr. Nitish K. Vasudeva, Advocate for respondent No.7.

Mr. Abhishek Bhateja, Advocate for respondent No.8.

ANIL KSHETARPAL, J. (ORAL)

Through this petition filed under Article 226 of the Constitution of India, the petitioner prays for a writ of mandamus directing respondent No.1 to 6 to take appropriate steps under the relevant provisions of the Punjab Municipal Corporation Act, 1976, for stopping the leakage of water from house of respondent No.7. The petitioner claims that water is leaking for the last several years from Kothi No.701, causing damage to the house of the petitioner. This fact is disputed by respondent No.7.

The petitioner has already filed a suit for recovery of damages (Annexure P-6) against respondent No.7.

Keeping in view the aforesaid facts, this Court is of the opinion that the petitioner has an effective alternative remedy of filing a suit before the Civil Court. Since, the disputed questions of facts are involved, therefore, it would not be appropriate for this Court to adjudicate. Hence, the petitioner is relegated to the alternative remedy.

In view of the above, this writ petition is disposed of.

All the pending miscellaneous applications, if any, are disposed of, in view of the above-stated order.

21.01.2021

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No