

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 13297 of 2021

Date of Decision: 22.07.2021

Rashpal Singh

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. P.P.S.Duggall, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. Through this writ petition, the petitioner prays for issuance of a writ in the nature of mandamus to direct respondent No.3-Deputy Commissioner, Ferozepur, to visit the spot and conduct an inquiry. It has been alleged that more than ₹ 11,00,000/- were sanctioned for completion of waste drainage pipeline project in village Khadur, District Ferozepur. The petitioner is owner of the land near the pond. He filed Civil Writ Petition No. 7697 of 2020 complaining that the work has not been completed. In the written statement, the respondents took a stand that the work has been completed. In view thereof, the writ petition was disposed of on 11.12.2020 with the following order:-

“This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this writ petition is for a direction to the official respondents to complete the waste drainage pipeline

work/ project of village Khaadur, Tehsil Zira, District Ferozepur.

It is stated that 90% of the pipeline work for drainage stands completed, but remaining 10% is being delayed merely because of party faction in the village.

As per reply filed by way of affidavit dated 29.07.2020 of Sh. Piar Singh, Block Development and Panchayat Officer, Makhu Ferozepur, on behalf of respondents no.1 to 3, it is categorically stated that the entire work pertaining to installation of the drainage system/ pipeline in the village stands completed. Para nos.5 and 6 of the said reply reads as under:-

“5. That However, it is also brought to the kind notice of this Hon’ble Court that the entire work/project was going at its speed and the said project pertaining to the installation of drainage system/pipeline in the village has now been completed and same has been intimated to the answering respondent vide resolution dated 22.07.2020 by the respondent no.4 along with completion certificate pertaining to the project/work as obtained from the T.A. MGNREGA are attached herewith as Annexure R-2/T and R-3/T. Consequently, the present writ petition is completely misleading and infructuous.

6. That the work pertaining to installation of the drainage system in the village ‘Khadur’ has been completed so, the petition filed by the petitioner has become infructuous and deserves to be dismissed by this Hon’ble Court qua the answering respondents in the interest of justice.”

As per report of the Technical Assistant, MGNREGA, Block Makhu, attached along with the reply as Annexure R3/T, work in question stood completed on

22.07.2020 and system for drainage of the water from pond is functional.

Learned counsel for the petitioner, however, submits that the drainage system is not fully functional as on date. It is to be noted that there is nothing on record, at this stage to substantiate the averment raised by learned counsel for the petitioner, in respect to non-functionality of drainage system which is verified to have been completed on 22.07.2020 as per report of the Technical Assistant.

In view of the specific reply filed on behalf of the respondent State, no further orders are called for, at this stage and the present petition is rendered infructuous.

Ordered accordingly. Needless to say, in case of any hiccups in functioning of the system are detected, it is open to the petitioners to approach the competent authority for corrective steps”.

2. The petitioner, thereafter, made a representation to the Deputy Commissioner as well as the Director, Panchayat, complaining that the development work has not been completed and a huge amount has been embezzled.

3. Notice of motion.

4. On the request of the Court, Ms. Kanica Sachdeva, Assistant Advocate General, Punjab, accepts notice on behalf of the respondents and states that the petitioner has encroached upon some part of the panchayat land due to which the work could not be completed.

5. Keeping in view the prayer made in the writ petition, respondent No.3-Deputy Commissioner, Ferozepur, is directed to visit the village in order to find out the correct facts. It is expected that the Deputy Commissioner, after hearing the parties concerned at the spot, will take

appropriate steps for completion of the development work.

6. Learned counsel for the petitioner submits that if the Deputy Commissioner finds that the petitioner is in unauthorised possession of any part of the gram panchayat's land near the pond, he will surrender the possession forthwith. He further submits that if the petitioner does not surrender the land, the Deputy Commissioner shall be entitled to direct the authorities to take over the possession immediately.

7. With these observations, the writ petition is disposed of. The Deputy Commissioner, Ferozepur, is directed to forward the report to this Court within a period of one month.

(Anil Kshetarpal)
Judge

July 22, 2021
"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No