

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

CWP No.13404 of 2020 (O&M)

Date of Decision: 04.08.2021

Gaurav Dang

..... Petitioner

V/s.

State of Punjab & Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Krishan Singh Dadwal, Advocate
for the applicant-petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

Mr. Ashok Kumar Bazaz, Advocate
for respondent No.6.

Anil Kshetarpal, J. (Oral)

The case is being taken up for hearing through video conferencing.

The petitioner is the owner of a Restaurant-cum-Bar. Through this writ petition, the petitioner prays for issuance of a writ in the nature of *mandamus* directing the respondents to construct a proper drainage in order to drain out dirty as well as sewerage water, which has stagnated near the restaurant of the petitioner and has been causing foul smell in the entire area. The petitioner claims that due to the stagnated water and the foul smell, the petitioner has to shut down his restaurant and the banquet hall.

Pursuant to notice of motion, various interim orders have been passed, after noticing that the work of constructing the covered drain has not

only been allotted, but it has also been started. Now, the Municipal

Corporation has filed its status report dated 31.07.2021. Para 5 and 6 whereof are read as under:

“5. That the contractor has already completed approximately 50% of the project work valued at approximately Rs.30 Lacs. The work of construction of Nalah from Panj Peer Road to Barewal Drain for drainage of the rainy water of the area and also the civil work of construction of three culverts is complete. Similarly, the work of lining of the Barewal drain has already been started at site. It is pertinent to submit here that major part of the lining of the Barewal drain near the property of the petitioner has suffered damage because the city faced heavy rains before the lining could be cured. The Photographs of construction of Nalah, newly constructed three culverts, the lining of drain near the property of the petitioner and the lining after it suffered damage are **Annexure R-6/5 (Colly)**. It is humbly submitted that Engineering standards do not permit the paving or lining of the drains in rainy season.

6. That the delay in the completion of the project work is owing to the circumstances, which were beyond the control of the deponent. The deponent tenders unconditional apology for delay in the completion of the project work and shall take every possible measure to complete the project work before 15th September, 2021.”

Mr. Ashok Kumar Bazaz, the learned counsel representing the Municipal Corporation, submits that sincere efforts are being made and the project work shall be completed before 15.09.2021.

Keeping in view the aforesaid facts, the present writ petition is disposed of by directing the respondents to ensure the completion of the construction of the covered drain by 30.09.2021. The petitioner shall have

the liberty to file an application for revival of the petition, if the work is not completed within the stipulated period.

4th August, 2021
Sonia Puri

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No