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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-5920-2022

DATE OF ORDER: 21.12.2022

Avtar Singh and others

.....Petitioners

Vs.

Gram Panchayat of Village Dyal and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Navjot Singh, Advocate for the petitioners.

Nidhi Gupta, J.

Prayer in the present Revision Petition is for quashing order dated 20.08.2021 passed by learned Additional Civil Judge (Senior Division), Balachaur, Shaheed Bhagat Singh Nagar whereby application filed by the petitioners/plaintiffs under Order 39 Rules 1 & 2 CPC has been dismissed; as well as order dated 04.10.2022 passed by learned District Judge, Shaheed Bhagat Singh Nagar whereby appeal against order dated 20.8.2021 has also been dismissed.

Briefly stated the facts are that the petitioners had filed a suit for permanent injunction against the respondent-Gram Panchayat for restraining itself or through anybody else from changing the natural flow of rainy as well as sullage water of houses of the petitioners and other villagers from present natural flow as depicted in the site plan. Further direction was sought to restrain the respondent itself or through anybody else from laying down underground pipeline from point X to Z without

getting prior approval from the concerned technical staff of the Department of Rural Development and Panchayats, Punjab.

At the very outset, learned counsel for the petitioners refers to the site plan to submit that admittedly pipeline from point A to C is already existing. It is further stated that the proposed pipeline from point X to Z will change the natural flow of water which would lead to inundation of larger area of the *abaadi* of the village by rainy and sullage water. No other contention is raised on behalf of the petitioners.

I have heard learned counsel for the petitioners and perused the record.

Perusal of the record shows that an application dated 05.05.2021 was moved by inhabitants of the village Dyal before the concerned Block Development and Panchayat Officer (hereinafter referred to as “the BDPO”) that they were facing grave problem due to overflow of water from drains existing in front of their houses. Upon this application, it was decided by respondent Gram Panchayat that for the facility of the inhabitants of the village, it was necessary to lay an underground pipeline for disposal of rainy and daily water and channelize it into the stream. Prior to commencement of the project, Report of public functionaries such as BDPO and Sub-Divisional Officer (hereinafter referred to as “the SDO”) was also sought, and is on record for laying this underground pipeline. Perusal of the record reveals that said reports of BDPO and SDO were duly taken into account before clearing this project, as also an estimate for laying the pipeline was also placed on record after receiving grant from the office of

BDPO. Further, it is not disputed that the depth of the stream into which waste water would be channelized by way of proposed underground pipeline is 11 feet from the level of the village. Thus, by way of this project, the problem faced by villagers of overflow of waste water as well as stagnant water resulting in breeding of mosquitoes, foul smell etc. would be obviated.

It is therefore, clear from the above facts that allegations of the petitioners that reports of BDPO and SDO are manipulated during pendency of suit by antedating the documents, are baseless, as there is nothing on record to substantiate said allegations. It is also clear that the present is a case of political rivalry in the village where development projects for convenience of people are being obstructed. Learned counsel for the petitioners is unable to controvert any of the above said facts borne out from the record.

Accordingly, I find no ground is made out to set aside the orders impugned herein. Revision Petition is accordingly dismissed.

21.12.2022

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No