

LPA No.1177 of 2022

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

LPA No.1177 of 2022

Date of decision : 22.12.2022

Dr. Inderjeet Singh

.....Appellant

VERSUS

State of Haryana and others

....Respondents

**CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Gursher Singh Bhandal, Advocate
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the order dated 11.11.2022 passed by the learned Single Judge, whereby the writ petition preferred by the appellant, where the order/letter dated 13.09.2022 (Annexure P-10) and order dated 22.02.2022 (Annexure P-11) had been impugned, was rejected.

2. It is the contention of the learned counsel for the appellant that earlier the appellant had approached this Court by filing CWP No.4273 of 2022, titled as 'Dr. Inderjeet Singh Vs. State of Haryana and others', wherein directions were issued to the respondents to consider and decide his representation dated 29.12.2021 which he had submitted as also the supplementary representation dated 10.03.2022 as submitted by him. The grievance of the appellant is that on the basis of the earlier order passed by this Court, in another similar writ petition, his representation had been considered and decided. The supplementary representation was not duly considered and no personal hearing was given. For that grievance, the appellant has filed a contempt petition, which is pending before this Court.

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The personal hearing at the time of disposal of the supplementary representation has been given but while deciding the same, reference has been made to an earlier order passed by the Competent Authority i.e. Additional Chief Secretary to Government of Haryana, Public Health and Engineering Department, dated 22.02.2022 (Annexure P-11) and it is, on this basis, the supplementary representation has been rejected. Apart from that, what has been asserted by the counsel for the appellant is that the grounds, which have been taken by the appellant in his representations, have not been duly considered by the Competent Authority while deciding the representation/supplementary representation as submitted by the appellant. He, on this basis, contends that the order passed by the learned Single Judge as also the impugned orders cannot sustain.

3. We have considered the submissions made by the learned counsel for the appellant and with his assistance have gone through the order passed by the learned Single Judge as also the impugned orders in the writ petition including the pleadings.

4. We do not find any ground for interfering in the order passed by the learned Single Judge, wherein each and every aspect, which has been raised by the appellant before the Court, has been dealt with in detail. On the part of the appellant, it is neither the case nor pleaded that there is any violation of the statutory rules detailed in the representation nor a reference thereof made. Today also, when this question was put to the counsel for the appellant, he is unable to inform the Court as to whether any statutory instructions or rules have been violated by the respondents while constructing the water tank.

5. It is not in dispute that the land which is adjacent to the house of

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the appellant, on which the water storage tank is being constructed, had been reserved for the Public Health and Engineering Department and earmarked for the said purpose as per the future requirements of the city. It is also not the position where the appellant was not aware of the fact that the land would be used for construction of a water tank at a later stage as and when required for storage of water. There being no expert report which would indicate as regards there being any seepage and the effect thereof on the house of the appellant or in the absence of any such evidence, prayer as made by the appellant in the writ petition, has rightly been rejected by the learned Single Judge. The principle with regard to violation of natural justice has also been dealt with in detail by the learned Single Judge and we have found no reason to take a contrary view in this regard.

6. A plea has been sought to be raised by the counsel for the appellant on the ground of discrimination viz-a-viz the co-residents. The said plea also cannot be accepted in the light of the admitted position that such plea is not available to the appellant as the vicinity as a whole has been taken into consideration by the Competent Authority while passing the order dated 22.02.2022. This plea, therefore, as put forth by the counsel for the appellant also does not hold any substance.

7. Finding no merit in the present appeal, the same stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

22.12.2022
Harish

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No