

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

226

CWP-11877-2020

Date of decision: 08.02.2023

OMKAR

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Jai Singh Yadav, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Vipul Aggarwal, Advocate
for the respondent No.3.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Mandamus directing the respondents No.1 to 4 to comply the order dated 20.11.2012 (Annexure P-1) and order dated 29.04.2019 (Annexure P-5) for removal of the domestic waste and cattle waste being thrown in front of the house of the petitioner on land belonging to the Gram Panchayat.

Reply on behalf of respondent No.2-Sub Divisional Magistrate, Rewari has been filed wherein it is acknowledged that a direction had been issued for removal of the garbage from the Gram Panchayat land of village Musepur. It is further submitted that the Block Development and Panchayat Officer, Jatusana and Gram Panchayat Musepur had been directed to ensure compliance of the same. A contempt petition was filed before the Sub Divisional

Magistrate which was disposed of vide order dated 29.04.2019. It is further averred that the said respondent i.e. Sub Divisional Magistrate had himself carried out spot inspection and had issued further necessary directions to maintain proper cleanliness on the spot and that the directions have already been communicated to the Block Development and Panchayat Officer, Jatusana for purpose of removal of garbage/waste, if any, and the same is to be removed regularly to maintain hygiene and cleanliness on the said spot in future as well.

Counsel for the respondent-State further submits that the garbage having been removed, there is no subsisting grievance which now remains and that in event any grievance still subsists, the petitioner may approach the concerned authorities and adequate and appropriate steps shall be taken expeditiously for redressal of the grievance as directed in the impugned orders dated 20.11.2012 to 29.04.2019.

In view of the aforesaid specific stand taken by the respondent No.2 in the reply, the present petition is disposed of as having been rendered infructuous, however, in the event the petitioner still has a surviving grievance on account of any subsequent acts/omissions, then he may file an appropriate application before the Sub Divisional Magistrate-respondent No.2 who shall thereafter take expeditious steps for implementation of the orders as aforesaid.

The petition stands disposed of as having been rendered infructuous.

(VINOD S. BHARDWAJ)
JUDGE

FEBRUARY 08, 2022

Vishal sharma

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