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

CWP No.13764 of 2023

Date of decision : 21.07.2023

Dalbir and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Piyush Aggarwal, Advocate
for the petitioners.

Ms. Upasna Dhawan, Assistant Advocate General, Haryana.

Mr. Tarjit Singh Chhikara, Advocate
for respondent No.8.

RAJESH BHARDWAJ, J. (Oral)

Present writ 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 to carry out the work of installation of hume pipe in the low lying area (as proposed in 2022) which would be the most affected during rains and flood due to water clogging.

This Court had issued notice to the State vide order dated 07.07.2023 and directed the State to file the status report answering the grievances raised by the petitioners in the present petition.

In response to the same, respondent-State has filed the status report dated 20.07.2023 by way of an affidavit of Parmod Kumar Sharma (Executive Engineer, Sampla Water Services Division, Rohtak) on behalf of respondents No.1 to 4 today in the Court and the same is taken on record.

Learned counsel for the petitioners has primarily contended that lay out plan for installing the pipes for draining out the water was subsequently changed for unknown reasons, which would result in causing serious prejudice to the petitioners. He has submitted that hence the respondents be directed not to change the original lay out plan and pipes be installed accordingly.

Learned counsel appearing for respondent No.8 has vehemently opposed the submissions made by learned counsel for the petitioners. He has submitted that contentions raised by learned counsel for the petitioners are totally without any basis as there is no change in the original lay out plan and work is being carried out as per the original lay out plan. He has submitted that the petitioners have approached this Court with their vested interests and petition filed by them is totally without any merit. The Gram Panchayat is working for the welfare of whole Gram Sabha and has taken care of the welfare of whole village.

Learned State counsel has also opposed the submissions made by learned counsel for the petitioners. She has drawn attention of this Court to the status report filed and has submitted that submissions made by learned counsel for the petitioners are beyond the factual position on the

ground that there is no change in the lay out plan of the pipes as alleged and same is being carried out as per the approved plan.

Mr. Ashwani Rao, Sub Divisional Officer, Dulhera is present in person in Court and has submitted that he is personally looking after the working out of lay out plan of hume pipes in the village.

This Court has personally interacted with the Sub Divisional Officer. He has explained the work being done as per lay out plan in the village. He has submitted that this whole area is low lying area and Department has taken care of the welfare of whole village formulating lay out plan. He has submitted that pipes are being laid as per the plan approved and there is no change in installation of these pipes as alleged by the petitioners. He has drawn the attention of this Court to the status report filed wherein it is mentioned that length of pipeline to be laid down is 8442 feet and as on date only 294 feet of the pipe line has been installed on the site. He has submitted that the work is being carried out as per the budget sanctioned and plan approved. He has further submitted that the apprehension shown by petitioners has been taken care of. He has further submitted that if any further need arises for installation of the pipes in land of the petitioners, the same would also be considered subject to the approval for grant of land by the petitioners for laying down the pipes. He has submitted that this will be considered in the next year budget to be granted by the Government.

After hearing learned counsel for the parties and perusing the material on record, it is apparent that execution of the installation of pipes

is being carried out as per plan approved by the respondent-State, as submitted in the status report and further submitted by the Sub Divisional Officer, who is present in Court. The execution of laying out of installing the pipes is already in progress as submitted in the status report. If the petitioners still has any grievance, the same would also be considered subject to the conditions as submitted by the Officer, who is present in the Court, as mentioned above.

Resultantly, the present petition is disposed of with a direction to the respondents to complete the execution of work as per the plan approved at the earliest. However, the petitioners would be at liberty to seek their further remedy, if the need so arises, as available under the law.

(RAJESH BHARDWAJ)
JUDGE

21.07.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No