

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

**COCP-2115-2020 (O&M)
Date of decision: 01.08.2023**

Baljit Singh and others

...Petitioners

Versus

Manpreet Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. G. S. Sirphikhi, Advocate
for the petitioners.

Mr. Ajit Singh Natt, AAG, Punjab.

Mr. Saurabh Kaushik, Advocate
for respondent No. 6.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners are alleging violation of the order dated 15.07.2020, passed by this Court in CWP-9885-2020, vide which, the following directions were issued:

“(i) The State of Punjab is directed to remove all the encroachments and unauthorised constructions raised on the village ponds within a period of six months from today, strictly in accordance with law.

(ii) The Punjab Pollution Control Board is directed to monitor quality of water of the village ponds. The Deputy Commissioners throughout the State of Punjab are directed to ensure that no untreated sewerage/sewage is let off in the village ponds.

(iii) The State of Punjab shall ensure that all the village ponds are revived, repaired, renovated, rejuvenated after restoration within a period of six months from today. The State is further directed to upgrade the revenue record of all the village ponds in the State of Punjab

within a period of six months from today.

(iv) The mining activity of any nature whatsoever in the village ponds throughout the State of Punjab is banned. Stringent action be taken against the defaulters.”

A perusal of the aforesaid order shows that it was noticed that the petitioners were having grievances against illegal mining of sand from pond in village Kang Araya, Phillaur, Jalandhar.

Upon notice in this contempt petition, the Deputy Commissioner, Gurdaspur has filed an affidavit, wherein, the following stand is taken:

“6. That, the Block Development and Panchayat Officer, Batala thereafter vide letter No. 1504 dated 09/06/2020 brought the above stated facts into the knowledge of the deponent and it was reported that the cleaning of the pond was got done in the public interest by the Sarpanch and further that the earth taken out from the pond had been used in making the boundaries/Berm around all the sides of the pond for consolidating water storage. As such, it was reported that earth taken out from the village pond had not been sold. True translated copy of the said letter dated 09/06/2020 is attached herewith as Annexure R-2/5.

7. That, it is humbly submitted here that the deponent has also issued a letter bearing No. 738/Legal Cell dated 29.10.2020 and in compliance of said letter, a joint inspection has also been conducted by Tehsildar Batala, Executive Engineer Mining Gurdaspur, District Development and Panchayat Officer Gurdaspur and Block Development and Panchayat Officer Batala of the concerned pond of Gram Panchayat Village Sangatpur Block Batala, Gurdaspur on dated 03.11.2020 and during the inspection, they have found and reported that there

was no any mining has been done in the pond of the Gram Panchayat and the same has been cleaned. They further found that at the spot the boundaries of the pond have been strengthened along with the soil which has come out from the pond during cleaning the same and further with the soil, the pond has been divided into two parts by making a wall in the middle of the pond. During inspection, the villagers and respectable persons present at the spot also told to them that earlier the pollution of the pond was creating lot of problems for the inhabitants of the village and the dirty water of the pond was overflowing into their houses and after cleansing the same, it has saved people from troubles. True translated copy of the said letter dated 09/06/2020 is attached herewith as Annexure R-2/6. So, the defendants had taken due action on the complaint dated 30/05/2020 (Annexure P-4) submitted by some of the petitioners as well as other residents of the village. The allegations, as regards illegal mining being done in the village pond, had been found false. Further, the said action had been taken by the deponent much before the filing of the writ petition, against which, the present contempt petition has been filed.”

Learned counsel for the petitioners submits that no reply has been filed by the Punjab Pollution Control Board, however, a perusal of the memo of parties of the petition shows that the petitioners have not impleaded any of the official of the said Board as respondent to this petition.

Learned State counsel, on the basis of the aforesaid affidavit of the Deputy Commissioner, Gurdaspur, submits that the Gram Panchayat has only cleaned the pond in the public interest and has made boundary/birm

around all the sides of the pond for consolidating the water storage.

In view of the above, no case of any willful disobedience is made out against the respondents.

Accordingly, the present petition is dismissed.

Rule stands discharged.

01.08.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>