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

CWP-16265-2017

Date of decision : 23.02.2023

Kishori Lal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Surjit, Advocate for
Mr. Vikram Singh, Advocate for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana
for respondent Nos.1 to 4.

Mr. Arjun Singh Surjewala, Advocate for respondent No.5.

VIKAS BAHL, J. (ORAL)

This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent No.2 to ensure the level of the street as the Sarpanch Gram Panchayat is constructing the streets 2 feet above from the level of the streets on account of which water is entering into the houses of the villagers.

Learned State Counsel has pointed out that in the present case, written statement on behalf of respondent Nos.2 to 4 was filed on 06.04.2018 and in para 2 of the same, various objections were taken. Para 2

of the written statement filed on behalf of respondent Nos.2 to 4 is reproduced hereinbelow:-

“2. That the petitioner has not come to this court with clean hands and suppressed the true and material facts from the Hon'ble High Court. The brief facts of the case are that 8-9 years ago the disputed street had been constructed with the concrete cement (CC) and the water flows from West to East direction and at the end of the street the fields of Sh. Ravinder S/o Behari Lal exists and the water lodged on the land of farmer. The farmer namely Sh. Ravinder S/o Behari Lal made a complaint to the Gram Panchayat and demanded compensation in lieu of the crop damages due to logging of the waste water or otherwise the Gram Panchayat change the flow of the drainage system from his fields. Thereafter the Gram Panchayat, Baliyali reconstruct the disputed street to redress complaint of the farmer. The Gram Panchayat paved the street with paver block as per the level of adjoining street and the flow of waste water has been changed from East to West. There is no obstruction in the water drainage and all the house holders in the street are satisfied with the level and work done in street. It is pertinent to mention here that the flow of water is of natural gradient and cannot be changed even after decreasing the level of the present drainage system. This fact is in the knowledge of the petitioner but they have suppressed the material fact from this Hon'ble court.”

Learned counsel for the petitioner has submitted that no replication has been filed to the said averments and thus, keeping in view abovesaid averments, the present Civil Writ Petition has been rendered infructuous as the street has already been made.

Learned counsel for the petitioner has submitted that the

present Civil Writ Petition may kindly be disposed of as having been rendered infructuous but liberty be granted to the petitioner to file an application for restoration of the present Civil Writ Petition or to file a fresh petition, in case, any cause survives to the petitioner.

In view of the above, the present Civil Writ Petition is disposed of as having been rendered infructuous with liberty aforesaid.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

23.02.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No