

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(263)

CWP-25952-2022 (O&M)_
Date of decision: - 17.03.2023

Gamdoor Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. H.C. Arora, Advocate
and Ms. Shruti Dadhwal, Advocate
for the petitioner.

Mr. Yadwinder Singh Bhangu, AAG, Punjab
for respondents No.1 to 3.

Mr. J.S. Bhandohal, Advocate
for respondent No.4.

VIKAS BAHL, J. (ORAL)

This writ petition has been filed under Article 226 of the Constitution of India for seeking the issuance of a writ of mandamus directing the respondent to make arrangements for disposal of waste water from the house of the petitioner on account of closure of the village pond which was located opposite the house of the petitioner and on account of the same, the disposal of waste water from the residence of the petitioner has been stopped/blocked.

Learned counsel for the petitioner has submitted that there was a pond situated opposite the house of the petitioner on a public way/street and the waste water from residence of the petitioner was being

disposed of in the said pond in the absence of any drainage system in the village and other than the said pond, there was no alternative available with the petitioner. It is further submitted that the gram panchayat had decided to close the village pond in order to construct a park in its place and resultantly, the petitioner had no alternative except for making an arrangement for the disposal of waste water from his house into a pit which was dug up by him near his house, however, the same has been damaged and accordingly, the petitioner made a representation to respondent No.3-Deputy Commissioner, Ludhiana. It is also submitted that on the instructions of the Additional Deputy Commissioner, Ludhiana, to whom the Deputy Commissioner, Ludhiana had marked the representation, the DDPO-respondent No.4 issued instructions vide letter (Annexure P-2) to the BDPO, Dehlon, directing him to ensure the disposal of the waste water from the residence of the petitioner. It is stated that on another representation made by the petitioner, the Deputy Commissioner, Ludhiana, wrote a letter dated 01.09.2022 (Annexure P-4) to the Additional Deputy Commissioner (Rural Development) Ludhiana, calling upon the latter to take appropriate action on the representation submitted by the petitioner. It is stated that in pursuance of the said letter by the Deputy Commissioner, Ludhiana and under his instructions, the Additional Deputy Commissioner (Rural Development), Ludhiana wrote a letter dated 13.09.2022 to the DDPO, Ludhiana, calling upon the latter to ensure that the BDPO, Dehlon, disposes of the matter immediately and the said letter has been annexed as Annexure P-5. It is further stated that in purported compliance of the letter (Annexure P-5) received from the

Additional Deputy Commissioner (Rural Development), Ludhiana, the Gram Panchayat, Rangian passed a resolution to the effect that a site had been identified near the cremation ground where the waste water from the house of the petitioner could be transferred for disposal and the expenses of making said arrangements for disposal of waste water in the above manner would be borne by the Gram Panchayat from the grants received by it. Learned counsel for the petitioner has referred to the resolution dated 19.09.2022 (Annexure P-6) passed by the Gram Panchayat. It is stated that till date the problem of the petitioner has not been resolved and on account of the same, the waste water has been accumulating around the house of the petitioner and there are chances of spread of diseases and to prima facie show the said accumulation of waste water, the petitioner has referred to photograph (Annexure A-1), which was filed alongwith CM-2795-CWP-2023. It is submitted that the petitioner is ready to bear the expenses for laying down the sewerage pipes and has prayed that the Gram Panchayat be directed to lay down the sewerage pipe in accordance with their resolution and the respondent authorities, more so, the Deputy Commissioner, Ludhiana as well as the District Development and Panchayat Officer, Ludhiana be directed to assist the Gram Panchayat in laying down the sewerage pipeline and to enforce the resolution dated 19.09.2022.

Learned counsel appearing on behalf of respondent No.4/ Gram Panchayat has submitted that in case the petitioner is ready to bear the expenses, then, the Gram Panchayat in compliance of the resolution dated 19.09.2022 would lay down the sewerage pipeline from the house

of the petitioner to the site which has been identified in the said resolution.

Learned counsel appearing on behalf of the respondents-State has submitted that the Deputy Commissioner, Ludhiana and DDPO, Ludhiana would also give their full assistance to the petitioner and the Gram Panchayat in constructing the sewerage pipe as per the resolution dated 19.09.2022.

Keeping in view the above-said facts and circumstances, more so, the fact that inspite of repeated letters having been written by the respondent authorities and also inspite of the resolution passed by the Gram Panchayat on 19.09.2022, no alternative has been provided to the petitioner for the disposal of waste water from his house which started accumulating around the house of the petitioner on account of the village pond having been closed, thus, the present writ petition is allowed with the following directions: -

- (i) Respondent No.4-Gram Panchayat is directed to construct sewerage pipeline for the purpose of carrying out waste water from the house of the petitioner to the site which has been identified in the resolution dated 19.09.2022 passed by the Gram Panchayat, which is on the backside of a park and near the cremation ground, within a period of three weeks from today.
- (ii) The Gram Panchayat would forward a tentative cost of the said sewerage pipe within a period of 6 days from today and the petitioner would pay the same to the Sarpanch of the Gram Panchayat within a period of four days thereafter.
- (iii) The total expense involved in the laying down of the sewerage pipeline would also be informed by the Gram

Panchayat to the petitioner and the petitioner would also pay the same within a period of one week from the date said total cost is forwarded to the petitioner.

- (iii) The respondent authorities, more so, respondent No.2- Deputy Commissioner, Ludhiana and DDPO, Ludhiana would provide assistance to the Gram Panchayat as well as to the petitioner in laying down the said sewerage pipeline.

March 17, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No