

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

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**CWP-30981-2019
Date of decision: 03.02.2023**

SHAHEED AMAR SINGH EDUCATION SOCIETYPetitioner

VERSUS

STATE OF HARYANA AND OTHERSRespondents

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

Present:- Mr. Pawandeep Singh, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India, 1950 seeking issuance of directions to the respondents-authorities to ensure that the dirty/waste water of village Bilaspur, District Gurugram does not flow into the School premises of the petitioner-society or the land adjacent to the school premises and the same may instead be directed towards the pond as reflected in the site plan Annuxure P-5.

2. The grievance canvassed in the present petition filed by the society running a school by the name of Shaheed Amar Singh Public School at Village Bilaspur, District Gurugram is that the waste water/dirty water of village is being flown into the land adjacent to the school boundary which has a play ground spread over in area of 2 acres and around 1,000 students

are studying therein. As a result of the aforesaid diversion of the waste water on to the said land, the health and hygiene of the students is at grave risk.

3. A short reply had been filed by the Block Development and Panchayat Officer, Pataudi wherein it was stated that there was a bifurcation of the Gram Panchayat, Bilaspur and a new Gram Panchayat of Bilaspur Kalan was constituted by the Government in the year 2015. The Shamlat/panchayat land however had not been distributed between both of the panchayats and as a result of such failure, the newly constituted Gram Panchayat, Bilaspur Kalan was unable to indentify and cater any land or a feasible place for discharging the dirty/waste water of the village. It was further averred that vide resolution No.1 dated 23.01.2021, the Gram Panchayat, Bilaspur Kalan had identified land in Mustil No.50, Kila No.23/2 total measuring 03 kanals 16 marlas for digging of a new johad (pond) for discharging of dirty/waste water of the village. The proposal had been sent to the Chief Executive Officer, Zila Parishad, Gurugram for further necessary action. The estimate for the said work had also been prepared vide resolution No. 2 dated 23.01.2021 and the same was duly sent to the Junior Engineer and the Sub Divisional Officer, Block Officer, Pataudi. It was averred that the necessary work shall be completed expeditiously.

4. Subsequently, an affidavit of Yash Garg, IAS, Deputy Commissioner, Gurugram dated 04.05.2021 was filed in compliance of the order dated 11.02.2021 passed by this Court wherein it was stated by the Deputy Commissioner that after administrative and technical approvals, the work of digging of the pond and for installation of underground pipelines for discharge of dirty and waste water of the village shall be completed in a

period of about of 6 to 8 months. The aforesaid affidavit has been filed on 04.05.2021 and a period of nearly one and half years has elapsed since then.

5. Counsel for the petitioner has shown the photographs of even date as per which the water is still being stored adjacent to the school boundary wall.

6. The State counsel on instructions from Mr. Dinesh Malhan, Gram Sachiv submits that the funds for carrying out the digging and laying underground pipeline for discharge of the waste water have already been sanctioned and the same is in progress. The work shall positively be completed by the concerned agency within a period of 04 months.

7. The aforesaid statement is accepted. The present petition is accordingly disposed of as having been rendered infructuous. The respondents shall however be remained bound by the statement and shall undertake execution of the aforesaid project and for diversion of the drain water/waste water of the village in the newly dug pond within the period undertaken above.

(VINOD S. BHARDWAJ)
JUDGE

FEBRUARY 03, 2023
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No