



CWP-5640-2024

-1-

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

CWP-5640-2024

Date of Decision: 07.05.2024

Milkha Singh and another

..... Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rajeev Godara, Advocate, for the petitioners.
Mr. Rajneesh Chadwal, Assistant Advocate General, Haryana.
Mr. Chaman Deep, Advocate,
for respondent No.7.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for issuance of a writ of mandamus directing respondent No. 3 to act and initiate an inquiry against respondent No. 7 (Sarpanch) under Section 51 of the Haryana Panchayati Raj Act, 1994 (as amended up to date) for his misconduct and misusing his power by violating orders dated 03.07.2023 (Annexure P-5) passed by respondent No. 6 and communicated by respondent No. 5 on 03.07.2023. The action of the Sarpanch of laying the pipeline from Johad to flood Mogi Ghaggar pipeline before obtaining permission/approval from the competent authority. Further prayer has been made that pipeline with flood Mogi/pipeline ABCDE at point B-1, on 02.08.2023, forcibly without obtaining the agreement of all the stakeholders as prescribed in a letter dated 03.07.2023 (Annexure P-5) which is causing water pollution and damaging crops and land as well as loss to the Panchayat fund as he used



the Panchayat fund without any authority of law. Further to issue direction to respondent No. 3 to suspend respondent No. 7 during the inquiry to make sure fair inquiry and to issue direction to respondents to disconnect the wastewater/sewage pipeline of the village FB1 with flood Mogi/pipeline ABCDE at point B-1 (connected on 02.08.2023), which is causing water pollution and damaging crops and land of the farmers. Further prayer to quash letter/reply/order dated 03.01.2024 (Annexure P-21) sent by respondent No. 4 in response to Legal Notice dated 11.10.2023 (Annexure P-20) sent by petitioners to respondent No.3, as same is cryptic, non-speaking, without conducting any inquiry or perusing the record and submissions made in the legal notice.

2. Learned counsel for the petitioners has submitted that the petitioners filed the present petition for initiating enquiry as submitted above, but no action has been taken despite repeated representations made by the petitioners.

3. Notice was issued to the State. Reply has also been filed by the State.

4. At the outset, learned State counsel has submitted that the grievances of the petitioners have already been redressed. He has invited the attention of this Court to the reply dated 30.04.2024 filed on behalf of respondents No.1 to 5. He has submitted that detailed enquiry has already been conducted by the Block Development Panchayat Officer, who had submitted his enquiry report vide letter dated 25.04.2024 to the Deputy Commissioner in which it was found as follows:-

“a) The work of pipeline has been done by Sarpanch Gram



Panchayat Amritsar Khurd only for drainage of overflow water during rainy season, for which duly Gram Panchayat's resolution no. 6 dated 30.03.2023 and Gram Sabha's resolution no. 2 dated 02.06.2023 has been passed. The Gram Panchayat has laid a pipeline towards the fields in order to make advance arrangements in the public interest in order to prevent waterlogging of the village population, schools etc. due to rain water and for evacuation in times of emergency. Therefore the allegation made is not proved.

b) Regarding the apprehension of the complainants that this pipeline will be used to drain the dirty water of the village, the Gram Panchayat has passed its separate resolution number 2 dated 28.12.2023 that in future the dirty water of the village (houses located in the streets) The dirty water that is drained through the drains daily will not be in the proposed pipeline. Apart from this, water has not been drained from this pipeline yet.”

5. Learned State counsel has submitted that thus, the grievances raised by the petitioners have already been redressed and even otherwise as submitted in the reply, Civil Suit has also been filed, which is pending adjudication before learned Civil Court, Ellenabad.

6. Learned counsel for the petitioners has questioned the enquiry conducted by the Block Development Panchayat Officer. However, in view of the submissions made by learned State counsel as per the details given in the detailed reply, it is apparent that the enquiry has been conducted by the Block Development Panchayat Officer and Civil Suit filed by the petitioners is also pending adjudication before the Civil Court. Thus, in the considered opinion of this Court, grievances raised in the petition are redressed, hence,

CWP-5640-2024

-4-

no further order is required to be passed. The present petition is disposed of with liberty to the petitioners to pursue his remedy in accordance with law in case any further cause of action accrue to them.

07.05.2024

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned

:

Yes/No

Whether Reportable

:

Yes/No