



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

CWP No.9212 of 2021 (O&M)

Date of Decision :30.07.2024

M/s Achievers Builder Private Limited

.....Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE ARUN PALLI
HON'BLE MR.JUSTICE VIKRAM AGGARWAL**

Present : Mr.Bhupinder Ghai, Advocate for the petitioner.

Mr. Ankur Mittal, Addl. A.G. Haryana with
Ms. Kushaldeep Kaur, Advocate.
Mr. Aman Bahri, Advocate with
Mr. Bawa Karanveer, Advocate for respondent No.3.

ARUN PALLI, J. (Oral):

A mandamus is prayed for commanding respondent No.3 to ensure water supply from trunk water line on 60 feet wide road, sewerage etc., for the subject area developed by the petitioner-company as the competent authority, post compliance of all the necessary formalities, had even issued internal development completion certificate dated 3.10.2005 and 6.01.2006. Further, even all the three conditions, subject to which, the authorities had issued the competition certificate (ibid), were complied with. Therefore, there was/is hardly any justification, least plausible, to still deprive the petitioner of water supply from trunk water line.

A bare analysis of the written statement filed on behalf of respondents No.1 and 2 shows, for the matter in issue, apparently concerns Municipal Corporation, Faridabad (respondent No.3), as it had accorded the necessary permission/approvals as also the completion certificate (ibid),



therefore, no specific relief is prayed for against the State.

Learned counsel for the petitioner, with reference to the short reply, filed on behalf of Municipal Corporation, Faridabad (respondent No.3), submits that the respondent-Corporation has sought to deflect the matter as what is sought to be averred is that the subject of water supply for drinking purposes has since been transferred by the respondent-Corporation to Faridabad Metropolitan Development Authority (FMDA) and thus, is directly under the control of FMDA. Hence, the petitioner ought to have arrayed FMDA as a party, for no relief can be prayed against the respondent-Corporation. He has drawn our attention to a communication dated 31.05.2024 (P14), appended with the application, vide which, FMDA has conveyed to the petitioner that the said authority was only looking after the Master Water Supply in Faridabad and supplies water up to Subsidiary Boosting Station under Municipal Corporation Faridabad (MCF). And, water from Subsidiary Boosting Station is further supplied to the houses of MCF as the distribution is being managed and controlled by the respondent-Corporation. Therefore, the petitioner was advised to take up the matter none other than the respondent-Corporation.

Faced with this, learned counsel for respondent No.3, on instructions, from Birender Kumar Kardam, Chief Engineer, MCF, submits that, in fact, the matter is under active consideration of the Corporation and the Commissioner, MCF, would soon schedule a meeting to take a final/formal decision to assuage the concerns/grievances of the petitioner as set out in the petition. Further, before any such decision is made and the formal orders are passed, the petitioner shall be heard. And a formal communication in this regard would also be issued to it, well in advance. Considering the fact that



the petition at hand is pending for over three years, he submits that an appropriate decision in this regard shall be taken within four weeks.

That being so, learned counsel for the petitioner submits, for, the present, let the petition be disposed of in terms of the statement made by learned counsel for respondent No.3. However, if any cause of action arises in future or the petitioner is aggrieved on any account, it will avail such other remedies as shall be admissible in law as also to re-approach this Court by filing a fresh petition.

In the wake of the position sketched out above, the petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the competent authority would consider the claim of the petitioner in the right earnest. And the appropriate orders, shall be passed within the time indicated by learned counsel for respondent No.3.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated above, the authority shall examine the grievance of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

30.07.2024
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No