

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP-20707-2017 (O&M)
Date of order: 23.01.2024

Gram Panchayat Heran, Distt. Ludhiana

.....Petitioner(s)

Vs.

State of Punjab & Others

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. B.S. Bedi, Advocate
for the petitioner.

Ms. Anupal, Senior DAG Punjab.

Mr. C.L. Premy, Advocate and
Ms. Amarjit Kaur, Advocate
for respondent No.8.

Nidhi Gupta, J.

Prayer in the present Writ Petition is for issuance of a writ in the nature of mandamus directing the official respondents to stop the release of dirty sewerage and untreated water by respondents No.8 and 9/Gram Panchayat Village Rajoana Kalan and Gram Panchayat Village Rajoana Khurd respectively, through the drain constructed by Drainage Department, Sidhawan Canal Sub-Division, Urban Estate, Phase-I, Near Mata Durga Mandir, Dugri, Ludhiana/respondent No.7, in order to stop the contamination/pollution and spread of seasonal and water borne diseases.

It is further prayed that in the meanwhile, the ongoing activity of digging and laying of pipes started by respondents No.8 and 9 be ordered to be stopped.

2. On 09.01.2020, when the matter was listed for hearing before a Co-ordinate Bench of this Court, learned State Counsel submitted that funds had been allocated for construction of a Sewerage Treatment Plant in the year 2016 which were misappropriated by certain officers as well as members of the Gram Panchayat, whereupon a fresh report for the purpose of construction of STP was called for by authorities from the concerned officer. It was directed by the Court that in the meanwhile, the authorities shall make sure that sewage water of the village is not released in the drain; and further, time was granted to enable the State to file fresh status report.

3. In compliance of aforesaid order dated 09.01.2020, fresh status report dated 18.05.2023 was filed on behalf of respondents No.1, 4 and 5, by way of affidavit of Sarbjit Singh, Block Development and Panchayat Officer, Block Sudhar, Ludhiana.

4. Perusal of the said status report dated 18.05.2023, reveals that in pursuance to above said order dated 9.1.2020, the Executive Engineer, Panchayati Raj, Public Works Division, Ludhiana was directed to visit the spot in the village and submit status report as regards the construction of the STP, as well as regarding the discharge of water from the pond(s) of villages into the drain. The Executive Engineer, Panchayati Raj, Public Works Division, Ludhiana in turn had deputed the Sub-divisional

Officer, PR, Jagraon and concerned Junior Engineer, Block Sudhar to give the necessary report; who, after visiting the site of these villages, had submitted report dated 19.4.2023 (Annexure A-1/T), that no STP had been installed at the site of the pond in village Rajaona Kalan. Instead, three collecting tanks had been constructed on the spot and 1000 mtr pipeline had been laid which came to an end about 500 m before the drain. It was further reported that since the excess water of the pond was being used by farmers in their fields through the said pipeline and the water was not being discharged in the drain, therefore, there was now no requirement/proposal for setting up an STP.

5. The said report also makes reference to resolution dated 20.03.2023 (Annexure A-2/T), passed by the Gram Panchayat Rajoana in which it has been stated that no grant had been received by the said Gram Panchayat for installation of new STP and no proposal for setting up of STP plant by the Public Works Division was under consideration, because the matter now stood settled as the excess pond water was being used by the villagers in their fields through the pipeline.

6. In Para 7 of the aforesaid status report dated 18.05.2023 it has further been stated that criminal action has been initiated against the guilty officials/persons and FIR No.9 dated 28/02/2020 has been registered under Section 409 IPC at Police Station Sudhar, District Ludhiana Rural against Smt. Kuldeep Kaur, Ex-Sarpanch, Gram Panchayat Rajoana Kalan and Mr Baljinder Singh, the then VDO/Panchayat Secretary for the misutilization and embezzlement of panchayat funds. It is further submitted

that appropriate action against the guilty persons/officials shall be taken in accordance with law.

7. Thereafter, vide letter dated 17/03/2023 report was sought from petitioners/Gram Panchayat Heran as regards the latest position of discharge of water of Gram Panchayat Rajoana Kalan into the drain. In response thereto, the petitioner/Gram Panchayat Heran had passed resolution dated 20/03/2023 (Annexure A-3/T), in which it has been mentioned that the Gram Panchayat had visited the site of drain and found that the water of village Rajoana is not falling into the drain.

8. Learned counsel for the petitioner submits that the grouse of the petitioner is that the water should not be dropped in the drain of the petitioner. When confronted with the resolution dated 20.03.2023 (Annexure A-3/T) wherein it has been admitted by the petitioner that *“the Gram Panchayat had visited the site of drain and found that the water of village Rajoana is not being fallen in the drain. Therefore, after discussion, Gram Panchayat has passed unanimously that as per the directions issued vide letter No. 628 dated 17.03.2023 of Block Development and Panchayat Officer, Sudhar, the Gram Panchayat has found after visiting the site that the water of Gram Panchayat Rajoana is not being fallen in the drain passing through the village Heran”*, learned counsel is unable to deny that currently no wastewater is being discharged in the petitioner’s drain.

9. In view of the above admitted position, and the undisputed averments made in the status report dated 18.05.2023, no further directions are required to be issued in the matter. Accordingly, the present petition is being disposed of with liberty to the petitioner Gram

Panchayat that in case the waste water is again released into their drain by the respondent Nos.8 and 9, it shall be open to the petitioner to approach the competent authority in accordance with law.

10. Pending application(s) if any also stand(s) disposed of.

(Ritu Bahri)
Acting Chief Justice

(Nidhi Gupta)
Judge

23.01.2024
Sunena

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No