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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15354-2025 (O/M)

Date of decision : 27.05.2025

Gram Panchayat Village Ghaso Khana, Tehsil Maur,
District Bathinda

..... Petitioner(s)

Versus

State of Punjab and others

..... Respondent(s)

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Ravish Bansal, Advocate
for the petitioner(s).

Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.

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HARSH BUNGER, J. (ORAL)

1. Prayer in the instant civil writ petition filed under Articles 226/227 of Constitution of India, inter alia, is for issuance of a writ in the nature of mandamus for directing respondents not to lay down underground pipes for drainage of sewerage water of Maur Mandi town through the roads/pahi/phirni of village Ghaso Khana, Tehsil Maur, District Bathinda from point 'X' to point 'Z', as shown in red colour in the site plan (Annexure P-7).

2. Briefly, petitioner is Gram Panchayat of village Ghaso Khana, Tehsil Maur, District Bathinda, which is stated to be situated near the main road leading from Bathinda to Mansa. It is stated that the aforesaid village is at a distance of about 12-13 kilometers from town, namely, Maur town.

2.1 Petitioner claims that for the drainage of sewerage water of Maur town, already underground pipelines have been laid down from Maur Mandi upto Kot Fatta drain through villages Kitiwal Kalan and Mandi Kalan.

2.2 Petitioner alleges that in December 2024-January 2025, respondents formulated a new scheme to lay down new pipeline for the draining of sewerage water of Maur Mandi town from Maur Mandi upto Kot Fatta drain, however, later on respondents started projecting that the pipeline would be laid from Maur Mandi upto village Ghaso Khana through Bathinda-Mansa main road and from that point, pipeline would run through the internal roads/pahi/phirni of village Ghaso Khana and would be taken to Kot Fatta drain i.e. from point 'X' to point 'Z', as depicted in site plan (Annexure P-7).

2.3 Petitioner claims that it had submitted various representations to the authorities, however, no action has been taken thereon and on 21.05.2025, respondents started digging the roads of village Ghaso Khana for laying down the underground pipelines. It is stated that when the Gram Panchayat members as well as villagers protested against action of the authorities, then Sarpanch of village Ghaso Khana alongwith 25 other villagers were detained by the authorities of Police Station Kot Fatta, who are presently lodged in jail at Sri Muktsar Sahib.

3. It is contended that if new pipeline is to be laid from Maur Mandi town upto Kot Fatta drain, the same can easily be done by laying down pipeline in a straight manner from Mandi Maur town upto Kot Fatta

drain, as shown in green colour in the site plan (Annexure P-7) from point 'X' to point 'Y'; instead of taking pipeline from point 'X' to point 'Z'.

4. When the matter was listed for hearing on 23.05.2025 before this Court, learned State counsel had sought time to get necessary instructions and assist the Court in the matter.

5. Today, Mr. Sarthak Gupta, Advocate appears and files Vakalatnama on behalf of respondent No. 5 in Court today itself, which is taken on record subject to all just exceptions.

6. Learned State counsel as well as learned counsel for respondent No. 5, while referring to site plan (Annexure P-7), have stated at bar that there is a railway line, as depicted in the site plan, which crosses the main Bathind-Mansa road and that the department of railways has already denied the permission for taking the sewerage pipeline through/underneath railway line. It is further submitted that the concerned department i.e. Punjab Water Supply and Sewerage Sub Division, Talwandi Sabo, District Bathinda, has already considered the matter in its totality and proposal for laying down underground pipeline from point 'X' to point 'Z', as reflected in the site plan (Annexure P-7), has been found to be most appropriate and feasible.

7. The sum and substance of the case of the petitioner is that this Court should venture into the fact finding field to assess the pros and cons of the impugned route/alignment of the underground pipeline, proposed/adopted and finalised by respondent authorities through their expertise and competence; with the alternate proposal and factual versions projected by the petitioner.

8. The Hon'ble Apex Court in a series of cases as in ***State of Punjab and another Versus Gurdial Singh and others***, (1980) 2 SCC 471 and ***Shukla V.S. and others Versus NHAI and others***, 2013 KHC 2619 has held that a writ court exercising public law remedy of judicial review may not be justified in considering the feasibility of alternative elements in the absence of any established plea of manifest mala fides etc.

9. Considering the statement made before this Court that the department of railways has already denied the permission for taking the pipeline through/underneath the railway line; the proposal for taking the underground pipeline from point 'X' to point 'Z' , as reflected in site plant (Annexure P-7), prima facie appears to be justified.

10. That apart, what should be the best route/alignment for laying down of underground pipeline is to be decided by the experts on the subject and on their report, by the appropriate Government. This Court cannot sit in judicial review over the experts' opinion as regards the nature of the route/alignment proposed for laying down underground pipelines.

11. In view of the above, I find no merit in the instant civil writ petition and the same is accordingly, dismissed.

12. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

27.05.2025

sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No