

## INDU SHARMA VS MANVIR SINGH GILL AND ORS

Present:- Mr. Sanjeev Sharma, Advocate,  
for the petitioner.

Mr. G.S. Attariwala, Sr. Advocate with  
Mr. Vansh Chawla, Advocate and  
Mr. Saurabh Singla, Advocate,  
for respondent No.1.

Mr. S.P. Arora, Advocate,  
for respondents No.5 & 6.

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Affidavit on behalf of respondent No.1 has been filed in Court today  
and the same is taken on record.

Considering the conflicting stand taken by the parties, the SDM, Dera Bassi is directed to visit M/s Aastha Enterprises, Nabha Babhat Road, Zirakpur and verify the factum of installation/running of borewell/tubewell in the said premises in accordance with sanctioned layout. A report in this regard be furnished before this Court during the course of the day before 3:00 p.m.

In the meanwhile, the SDM, Dera Bassi is also requested to append a copy of occupation certificate/completion certificate after obtaining the same from the concerned department.

To be taken up at 3:00 p.m. today itself.

A copy of this order be supplied to Mr. Gunjan Mehta, Addl. A.G., Punjab, for its compliance, under the signatures of Bench Secretary.

**(HARKESH MANUJA)**  
**JUDGE**

17.02.2025  
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**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

**COCP No. 407 of 2018 (O&M)  
Date of Decision: 17.02.2025**

Indu Sharma

..... Petitioner

**Versus**

Manvir Singh Gill, Municipal Council-Zirakpur, District  
SAS Nagar and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Sanjeev Sharma, Advocate  
for the petitioner.

Mr. G.S. Attariwala, Senior Advocate, assisted by  
Mr. Saurabh Singla, Advocate  
for respondent No. 1.

Mr. S.P. Arora, Advocate  
for respondent Nos. 5 & 6.

Mr. Gunjan Mehta, Additional Advocate General, Punjab

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**HARKESH MANUJA, J. (ORAL)**

Again, the matter has been taken up at 3.00 p.m. today itself.

Pursuant to the order of even date, a report has been submitted by  
the Sub-Divisional Magistrate, Dera Bassi, which is taken on record and reads as  
under:-

*“ In compliance with the order dated 17/02/2025 in COCP-407-2018, the undersigned visited M/s. Astha Enterprises, Nabha, Bhabat Road, Zirakpur in the presence of Sh. Ashok Patharia, EO, MC, Zirakpur, Sh. Charanpal Singh, ME, MC Zirakpur, Sh. Sukhvinder Singh, AME, MC, Zirakpur. Ms. Indu Sharma*

*(Petitioner) was also present at the spot. Following points were observed:-*

- 1) In Phase-1, one tubewell and a water tank has been installed in between block no. 1 & 2. This is as per sanctioned plan presented by the EO, MC Zirakpur.*
- 2) In Phase-II, One underground water tank has been constructed as per sanctioned plan in between block no. 3 & 4. One tubewell has also been installed but not at the location as per sanctioned plan. This has been observed as a violation from the sanctioned plan as the tubewell has been installed in a park in Phase-II.*
- 3) The occupation/completion certificate of phase-1 & 2 has been appended herewith as presented by EO, MC Zirakpur.*

*-sd-  
Sub-Divisional Magistrate,  
Derabassi ”*

[2] In view of the aforesaid report, the only issue remains that the tubewell installed in Phase-II is not as per the location sanctioned in the approved plan.

[3] After hearing learned counsel for the parties, both the parties are *ad idem* that the amount of Rs. 10,00,000/- (Ten Lakhs only) which was deposited by the developers-respondent Nos. 5 & 6 before this Court, be released in favour of Sub-Divisional Magistrate, Dera Bassi, who shall for the purpose of providing drinking water to the residents get the tubewell installed in Phase-II of Society-M/s. Aastha Enterprises, Nabha Road, Village Bhabat, Zirakpur, Tehsil Dera Bassi, District SAS Nagar (Mohali) either at the location assigned in the sanctioned plan or abutting thereto.

[4] The abovesaid work be got done within two months from today after issuing tender process and upon carrying out of the necessary formalities.

[5] It is made clear that the aforesaid amount of Rs. 10,00,000/- (Ten Lakhs only) shall not be spent by Sub-Divisional Magistrate, Dera Bassi for any other purpose except for installation of tubewell. In case some additional funds are required for the above purpose, those shall be born by respondent Nos. 5 & 6. Also, the officer shall furnish a report in the aforesaid regard before the Court soon after two months.

[6] Respondent Nos. 5 & 6 shall continue maintaining the lifts installed in the Society (both Phase-I & Phase-II) after regular intervals.

[7] **Disposed off** accordingly.

[8] Rule stands discharged.

[9] Pending miscellaneous application(s), if any, shall also stand disposed off.

February 17, 2025

*'dk kamra'*

( HARKESH MANUJA )  
JUDGE

Whether Speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>