



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

CWP-37661-2019

Date of Decision : 17.02.2025

RAMPHOOL AND OTHERSPetitioners

VERSUS

STATE OF HARYANA AND OTHERSRespondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Atul Yadav, Advocate, for the petitioners.

Mr. Bhupender Singh, DAG, Haryana
for respondents no. 1 to 6.

Respondent no.7 *ex parte*.

Ms. Jyoti Kaur, Advocate for
Mr. R.D.Yadav, Advocate, for respondent no.8.

Mr. Bharat Bhushan, Advocate, for respondent no.9.

KULDEEP TIWARI, J.(Oral)

1. Through the instant writ petition filed under Article 226/227 of the Constitution of India, a prayer is made for issuance of a *mandamus* upon the competent authority amongst the respondents to install the water pipeline in the street which is leading towards the house of the present petitioners and others, and for that he mainly placed reliance upon a meeting note of the Gram Panchayat held on 16.03.2016.

2. This Court vide order dated 10.02.2025, passed the following order:-

“In deference to the directions issued by this Court, vide order dated 07.01.2025, necessary demarcations were carried

out by the competent authority concerned, and in this regard, status report dated 04.02.2025, by way of affidavit of Mr. Pardeep Kumar, Executive Engineer, Public Health Engineering Division Sohana, has been placed on record, which is tagged with the case file, and the same is taken on record.

The status report/affidavit (*supra*), voiced about some encroachment on the public land, which led to the laying down of the water pipeline unfeasible.

Learned State counsel, on instructions imparted to him by Mr. Surinder, Sub Divisional Engineer, concerned, informs this Court, that they are still in the process to find out an alternate route, so that the water supply can be provided to the petitioners. It further transpires during the Court proceedings that one of the contesting respondent, i.e. the Gram Panchayat concerned, has already been proceeded against *ex parte*. However, the Gram Panchayat concerned is a necessary party, as it is the only competent authority, which can take action against the illegal encroachment within the *lal dora*, where the *panchayati rasta* has been encroached upon.

In view of the above, let the Block Development Panchayat Officer (BDPO) Pataudi, be impleaded as a necessary party in the array of respondents.

List this matter on 17.02.2025.

To be shown in the urgent list.

The Block Development Panchayat Officer (BDPO) Pataudi, as well as the Executive Engineer concerned, shall cause their personal appearance before this Court, on the next date of hearing, to inform the further necessary proceedings being taken by them in order to mitigate the problems, which are being faced by the petitioners.

It is made clear that on the next date of hearing, no request for an adjournment on behalf of either of the parties concerned, shall be entertained.”

3. In deference to the directions (*supra*), today, Executive Engineer, and Block Development and Panchayat Officer (BDPO) concerned, have caused their personal appearance before this Court. While showing the photographs, as well as the notices issued under Section 24(1) of Panchayati Raj Act, 1994, a categorical stand has been taken by them, that the petitioners do have a water connection, however, the same has been taken illegally, without any sanction/permission of the authority concerned, and for the said illegal act, petitioners have been served notices (*supra*). The said photographs, and notices, are ordered to be taken on record as Mark-A (collectively).

4. Learned counsel for the petitioners, is unable to confront the said photographs, and submissions, by placing on record any cogent evidence. There is nothing on record that such a resolution/meeting note which is claimed to be passed by the Gram Panchayat, has approval of the competent authority concerned. Further, it reflects from the report as discussed above, that the petitioners were using illegal water connection, therefore, the asked for *mandamus* cannot be granted to the present petitioners. However, the petitioners can approach the authority concerned for regularisation of their water connections or for issuance of a new water connection. Therefore, in case, the petitioners approach the authority concerned, the latter shall consider their case in accordance with law.

5. Consequently, the instant petition is **dismissed**, however, with the aforesaid liberty.

February 17, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No