

(2020) 12 SHI CK 0210
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No.858 Of 2020

Ashish Kumar

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 30-12-2020

Acts Referred:

Citation : (2020) 12 SHI CK 0210

Hon'ble Judges : Jyotsna Rewal Dua, J

Bench : Single Bench

Advocate : Dheeraj K. Vashisht, Anil Jaswal

Final Decision : Disposed Of

Judgement

Jyotsna Rewal Dua, J

1. Relying upon communication dated 17.02.2018, it has been urged on behalf of the petitioner that though water pipeline upto the house of petitioner

and others situated in Chauhan Basti, VPO Bathra, Tehsil Dadasiba, District Kangra, has been sanctioned, however, the respondents have not

completed the entire work and stopped midway. Consequently, the water pipeline has still not reached his house.

2. Respondents in their reply do not deny the above factual position and submit that laying of water pipeline was sanctioned on 17.02.2018 for a length

of 450 meters with 25 mm dia to cover the houses of petitioner and others. Out of which, 120 meters pipeline had been laid down at the site upto the

land of one Sh. Jai Singh S/o Sh. Kishan Dass. The remaining length of pipeline could not be constructed as said Sh. Jai Singh had objected to crossing

of pipeline over his land. The respondents in their reply have expressed their readiness to lay the pipeline, provided the people allow the laying of

pipeline through their land.

The petitioner in his rejoinder denied that the villagers including the said Sh. Jai Singh were raising objections for laying of pipeline through their land.

He has also mooted an alternate suggestion of constructing the remaining length of water pipeline over adjoining Khasra Nos.613 and 614 statedly

owned by the State Government. Be that as it may.

3. Today during hearing of the case, learned Additional Advocate General has placed on record written instructions dated 29.12.2020 issued by the

Executive Engineer, Jal Shakti Division, Jaswan Pragpur, informing that the dispute created by said Sh. Jai Singh has been resolved due to efforts

made by the Department for providing water connectivity to the house of the petitioner and others. The extracts from these written instructions dated

29.12.2020 are as under:-

â??I have the honour to invite a reference to your office letter No.CWP/858/2019 dated 23.12.2020 and to say that the subject cited matter was listed

on 23.12.2020 before the Honâ??ble High Court when the Honâ??ble High Court was pleased to allow the Additional Advocate General to have

instructions in the matter. The case is listed on 28.12.2020. The copy of order is enclosed alongwith.

The work to lay water pipe line to Niyali Basti was awarded by the Executive Engineer, IPH Division Dehra vide award letter No.13272-77 dated

17.12.2018 to Sh. Sanjeev Kumar Kahroo. GI pipe of 32 mm=1360 Rmt. From Bathra tank was laid and branch to Niyali Basti of 25 mm was laid in a

length of 120 mtrs. only. Where by during the month of April 2019 the 25 mm of pipe line to Niyali Basti (House of Sh. Ashish Kumar and

otherâ??s) was stopped from being laid through his land by one Sh. Jai Singh R/o upper Niyali Basti. The above CWP was filed during Dec./2019.

The Assistant Engineer, Jal Shakti Sub-Division Dada Siba vide his office letter No.JSD/DSD/Court Case/2020-21-2707 dated 28.12.2020 (Photocopy

enclosed) has informed that-

1. The dispute created by Sh. Jai Singh from whose land the proposed water pipe line to Niyali Basti (For Ashish Kumaâ??s house & others) was to

be laid, has been resolved due to efforts of the department.

2. 25 mm dia meter GI pipe line is being laid along the previously proposed alignment (that was stopped by Sh. Jai Singh) to Niyali Basti in a length of

260.00 mtrs to reach the house of the applicant.

3. As soon as the work of laying the pipe line is complete & the same shall be tested and ready for use (within 07 days from now). The applicant Sh.

Ashish Kumar has so far not applied for private water connection which shall be sanctioned and released after the model code of conduct prevalent at

the present in the state is lifted. Henceforth private water connection to the applicant shall be released thereafter.

Meanwhile public tap shall be released to Niyali Basti for use of applicant and others as soon as the pipe line is tested (i.e. 07 days within from date).

In view of above facts and circumstances, it is requested that the Honâ??ble High Court may kindly be apprised of the facts and the matter may

kindly be defended accordingly please.â??

4. Since the respondents have now resolved to construct the remaining length of water pipeline to connect the houses of petitioner and others in Niyali

Basti, therefore, the grievance of the petitioner raised at this stage has been redressed. Accordingly, the present writ petition is disposed of by

directing the respondents to complete the aforesaid work of laying water pipeline as expeditiously as possible, but not later than two months from

today. Pending miscellaneous application(s), if any, also stand disposed of. Needless to say that the petitioner shall also complete all codal formalities

to get the water connection released in his favour.