

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 180 OF 2026

IN THE MATTER OF:

SMT. SUMITRA NEGLI

.....APPLICANTS

VERSUS

STATE OF PUNJAB & ORS.

.....RESPONDENTS

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Filed by



(Sanchar Anand)

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Place: New Delhi

Dated: 08.07.2026

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI**

ORIGINAL APPLICATION NO.180 OF 2026

IN THE MATTER OF:

Smt. Sumitra Negi

...Applicant

V E R S U S

State of Punjab & Others

...Respondents

REPLY ON BEHALF OF MUNICIPAL COUNCIL,

NAYAGAON I.E. RESPONDENT NO. 6

MOST RESPECTFULLY SHOWETH:

I, Vijay Jindal, Executive Officer, Municipal Council, Nayagaon, respondent no.6, do hereby state as hereunder:-

1. That without admitting the allegations made by the applicant in the instant Original Application, an objection to the maintainability of the Original Application is raised by the answering respondent, in as much as, the issues raised by the applicant in the present application are part of the core issues that was decided by the Hon'ble Punjab & Haryana High Court at Chandigarh in CWP No. 5901 of 2017 titled '*Shamsher Singh & Others Vs. State of Punjab & Others*' and which was subsequently disposed of by the Hon'ble High Court, vide final judgment dated 02.06.2017 (Annexure A-1), with directions to officials of Union Territory of Chandigarh, as well as Government of Punjab.

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That thereafter a Civil Miscellaneous Application was filed before the Hon'ble Punjab & Haryana High Court bearing CM No.18106-CWP


of 2017 in CWP No.5901 of 2017, which was also disposed of by the Hon'ble High Court, vide order dated 31.01.2019 (Annexure A-2), observed as under while disposing off the said application:

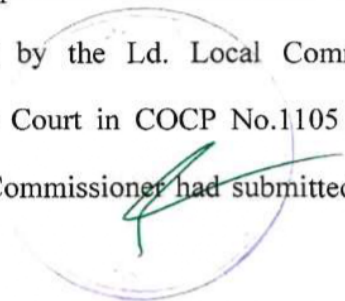
“Since the various efforts have already been undertaken and Mr. Venu Prasad had also undertaken to comply with the directions contained in the order dated 02.06.2017 and as well as subsequent directions in the application filed under Article 215 of the Constitution of India, I deem it appropriate to dispose of the application by issuing following direction:-

Mr. Venu Prasad, Secretary, Local Government or officer or any incumbent is appointed as Nodal Officer to monitor the compliance of the directions from all the departments referred to above and ensure that order is complied with in letter and spirit and submit quarterly status report

Application for the time being stands disposed of Liberty is granted to the applicant to move the application for reviving the application in case any necessity arises.”

3. Thereafter, a contempt petition was filed in the said matter, vide COCP No.1105 of 2023 was filed flagging the non-compliance of the orders/directions of the Hon'ble High Court in CWP No.5901 of 2017. The said contempt petition is still pending before the Hon'ble Punjab & Haryana High Court and awaiting disposal.
4. It is respectfully submitted that the applicant herein by way of this original application is re-agitating the issues that are already part of a case and regarding which, compliance had been made earlier and subsequently as also observed by the Ld. Local Commissioner appointed by the Hon'ble High Court in COCP No.1105 of 2023. Pertinently, the said Ld. Local Commissioner had submitted a report


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titled '*FOURTH PERIODIC REPORT*' on 08.01.2024 after on spot visit and in compliance with the Hon'ble High Court's order. The key issues, which have been raised in the present original application, have been already dealt by the Hon'ble High Court and the said Ld. Local Commissioner had submitted a factual position of the sites as follows:

"Factual position as regards the area Nadi/Choe Patiala Ki Rao falling under UT Chandigarh;

That boundary pillars alongside Patiala Ki Rao have been affixed and Malba/garbage has also been cleared from the bed of Nadi/Choe i.e., Patiala Ki Rao and the said area falling within U.T. Chandigarh has been cleared as on date."

A copy of the said '*Fourth Periodic Report*' is hereby annexed and marked as **Annexure R-1**.

5. That with respect to encroachments over the area of '*Patiala Ki Rao*', necessary action has been taken by the concerned department and as already mentioned in the Ld. Local Commissioner Report dated 08.01.2024, that demolition work was carried out along with observation that most of the garbage lying around the area of '*Patiala Ki Rao*' has been cleared with only 20% of waste is remaining.
6. That thereafter another Public Interest Litigation bearing CWP (PIL) No.79 of 2025 titled '*Ram lal & Others Vs. State of Punjab & Others*' has been filed in the Punjab & Haryana High Court at Chandigarh and one of the relief claimed is as under:-


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"Further, for issuance of writ of Mandamus directing the

respondents to construct an embankment alongside the Patiala Ki Roa to prevent season flooding in the area of Khuda Lahora, Nada, Nayagaon and Karoran.”

7. During the pendency of the above titled writ petition, bearing CWP-PIL No.79 of 2025, an application bearing CM No.252-CWP-PIL of 2026 was filed in the Hon’ble Punjab & Haryana High Court for the issuance of direction for strengthening the embankments alongside ‘Patiala Ki Rao’ (Chao), as the encroachments and un-abetted construction is going on in the ‘Patiala Ki Rao’ significantly increasing the risk of flooding of the area during the approaching rainy season.
8. That the notice of the above titled application was issued to the respondents by the Hon’ble High Court, vide order dated 07.05.2026, and accordingly, reply to the application was filed by the Municipal Council, Nayagaon (respondent no.6 herein). In the reply, it was brought to the notice of Hon’ble High Court that vide notification dated 04.03.2013 issued by the Government of Punjab, Department of Irrigation in exercise of the powers conferred under Section 55 of the Northern India Canal and Drainage Act, 1873, the Executive Engineer, Water Management Investigation Division, Rupnagar has been authorized to take action against the persons creating any obstruction by making any type of construction or by covering the ‘Patiala Ki Rao’. Copy of the reply dated 22.05.2026 filed on behalf of Municipal Council, Nayagaon alongwith affidavit dated 04.03.2013 is annexed herewith as Annexure R-2.



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9. That from the submissions made in foregoing paragraphs, it is clear that an issue with regard to the encroachment in the '*Patiala Ki Rao*' has already been considered by the Hon'ble Punjab & Haryana High Court at Chandigarh and another Public Interest Litigation is already pending adjudication before the Hon'ble Punjab & Haryana High Court at Chandigarh. Thus, filing of the present petition before this Hon'ble Tribunal is an abuse of the process of law.
10. That it submitted that the issues raised by the complainant in relation to rivulet '*Patiala Ki Rao*', the same needs to be scrutinized and tested on principles governing pleas of parallel proceedings, multiplicity of proceedings and identity of issues. In that regard, it is relevant to note that Section 10 of the Code of Civil Procedure, 1908 that deals with stay of suit and provides, in substance, that no court shall proceed with the trial of a suit where the matter in issue is also directly and substantially in issue in a previously instituted suit between the same parties litigating under the same title before a competent court. The answering respondent further respectfully submits that the present Original Application is not an ordinary civil suit, nor is this Hon'ble Tribunal bound by the Code of Civil Procedure in the strict sense in view of Section 19(1) of the NGT Act, 2010, and also because the parties in the present application are not same as the parties in the abovementioned CWP No.5901 of 2017. Though Section 10 of C.P.C. does not *proprio vigore* apply to proceedings before this Hon'ble Tribunal, however, the principles recognised by the Hon'ble Supreme Court of India, while examining identity of subject matter, identity of parties/titles, and res-judicata



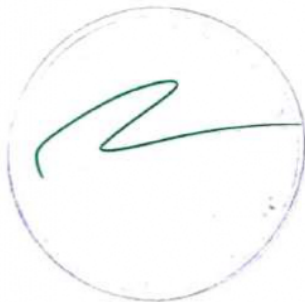
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consequences remain useful guiding tests in evaluating the respondents-herein plea of parallel proceedings. It is, therefore, necessary to examine whether the two proceedings are truly identical in their whole subject matter and relief structure or are merely overlapping in some aspects.

11. That the Hon'ble Supreme Court of India in case of *Aspi Jal & Anr. v. Khushroo Rustom Dadyburjor, Civil Appeal No. 2908 of 2013* (arising out of *S.L.P. (C) No.14808 of 2012*), decided on 05.04.2013, reported in *(2013) 4 SCC 333*:-

In para 11, the Hon'ble Supreme Court further held that **the test is whether, on a final decision in the earlier proceeding, such decision would operate as res judicata in the later proceeding.**

In para 12, the Hon'ble Supreme Court clarified that Section 10 will not apply where only a few matters in issue are common, and that the objection succeeds only when the entire subject matter in controversy is the same; the Court expressly stated that the "matter in issue" is not equivalent to one or some of the questions in issue. These principles are directly attracted while examining the present complaint with respect to the pending proceedings in COCP No. 1105 of 2023 pending in the Hon'ble High Court of Punjab and Haryana and thus this present application would fall in the category of "parallel proceedings" as the present applications pertains to "Patiala Ki Rao" and the proceedings in the CWP and COCP pending in the Hon'ble High Court pertains to mainly "Patiala




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Ki Rao", along with other smaller issues related to it, and thus adjudication on same/similar issues cannot be initiated at two different courts/tribunals.

12. That it is the humble submission of answering respondent that the applicant has not approached this Hon'ble Tribunal with clear intentions as the applicant has not stated anywhere in their Original application that a Contempt Petition in the abovementioned CWP No.5901 of 2017 is still pending before the Hon'ble High Court and therefore, the revival of same issues by a third-party (i.e., applicant herein) is a clear way of '*forum shopping*' by the applicant herein.
13. That this aspect (i.e., a case is pending before the Hon'ble High Court and subsequent continuation of proceedings by a Tribunal), the Hon'ble Supreme Court has reiterated the principle of judicial propriety in the case of *State of Himanchal Pradesh v. Yogendra Mohan Sengupta 2024 INSC 30* as under:

"109. In view of the settled legal position, we are of the view that the continuation of the proceedings by the NGT during the pendency of the writ petitions before the High Court was not in conformity with the principles of judicial propriety. Needless to state that the High Court of Himachal Pradesh, insofar as its territorial jurisdiction is concerned, has supervisory jurisdiction over the NGT. Despite pendency of the proceedings before the High Court including the one challenging the interim order dated 12th May 2022 passed by NGT, the NGT went ahead with the passing of the second order impugned herein."


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14. Pertinently, it is submitted before this Hon'ble Tribunal that this present original application without going into the merits of the case

needs to be dismissed with costs as this application is a deliberate attempt to subvert the judicial proceedings that is already pending in the Hon'ble High Court of Punjab and Haryana in COCP No.1503 of 2023 and an attempt to burden this Hon'ble Tribunal with a case that is already undergoing adjudication in a different court/forum.

[Handwritten Signature]
 (VIJAY JINDAL)
 EXECUTIVE OFFICER
 MUNICIPAL COUNCIL
 NAYA GAON

VERIFICATION:

I, Vijay Jindal, Executive Officer, Municipal Council, Nayagaon, do hereby solemnly affirm and verify that the contents of paras 1 to 14 of the above affidavit are true and correct to my knowledge derived from official record and nothing material has been concealed therefrom.

Verified at Chandigarh on this 5th of June, 2026.

10/6/26

Saurabh (C1182)
 Signature

Identify
 executive
 documents

15070
[Handwritten Signature]

[Handwritten Signature]
 (VIJAY JINDAL)
 EXECUTIVE OFFICER
 MUNICIPAL COUNCIL
 NAYA GAON

SHAL
 NOTAR...
10/6/26

[Handwritten Signature]

ANNEXURE R-1**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

C.O.C.P. NO. 1105 OF 2023

Shamsher Singh.

...Petitioner.

Versus

Sh. Vivek Pratap Singh, IAS & Others

...Respondents.

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Place: Chandigarh

Date: 08.01.2024


Mr. Manvinder Singh Dalal,
Advocate**(LOCAL COMMISSIONER)**House No. 1052, Sector 42-B,
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manvinderdalal@hotmail.com

(Mob. No.9779077045)

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

C.O.C.P. NO. 1105 OF 2023

Shamsher Singh.

...Petitioner.

Versus

Sh. Vivek Pratap Singh, IAS & Others

...Respondents.

FOURTH PERIODIC REPORT dated
08.01.2024 of Local Commissioner
visit ascertaining the factual position
at the spot as regards the matter
pertaining to directions passed by
the Hon'ble High Court in CWP No.
5901 of 2017 dated 02.06.2017 and
orders dated 31.01.2019 passed in
CM No. 18106 of 2017 in CWP No.
5901 of 2017, the factual position on
the spot is being detailed by way of
Report of the site visit.

RESPECTFULLY SHOWETH: -

1. That earlier vide orders dated 24.07.2023 passed in CM No. 12521-CII-2023 in COCP No. 1105 of 2023, the undersigned was appointed as a Local Commissioner with a direction to visit the spot on 29.07.2023 and submit the report

ascertaining the factual position at the spot, accordingly the undersigned submitted a detailed **First Report dated 29.07.2023** and the same was taken on record.

2. That further vide orders dated 11.08.2023 **Show-Cause Notice** had been issued to the respondents for **Non Compliance** of the directions and the matter was adjourned for 15.09.2023, the undersigned was further directed to submit the periodical report's as regards compliance of directions as passed by this Hon'ble Court in CWP No. 5901 of 2017 dated 02.06.2017.

3. That on 13.09.2023 the undersigned visited the area in question, a team of eight officials from the office of D.C., U.T. Chandigarh were present at the time of visit and the said team was headed by Sh. Sanyam Garg, HCS, SDM (Central), UT Chandigarh furthermore three officials were present on behalf of State Government Punjab and the said team was headed by Sh. Ravi Kumar Jindal, EO, Naya Gaon and all the above officials accompanied the undersigned as regards the area in question and the **Second Periodic Report** as regards the visit dated 13.09.2023 was submitted before the Hon'ble Court for the kind consideration of the same.

4. That the Hon'ble Court vide orders dated 12.10.2023 in the above-mentioned contempt petition listed the same on 20.11.2023, the said order dated 12.10.2023 is reproduced as under: -

"COCP-1105-2023 (O&M)

**SHAMSHER SINGH VS VIVEK PRATAP SINGH,
PRINCIPAL SECRETARY, LOCAL GOVT. AND ORS.**

Fresh report of the Local Commissioner is filed.

**Learned counsel for the respondent(s) are directed
to file the fresh compliance affidavit(s) in the light
of the same.**

List again on 20.11.2023.

[ARVIND SINGH SANGWAN]

12.10.2023

JUDGE

vishnu"

5. That as periodic report's were to be filed as regards compliance of directions passed by this Hon'ble Court in CWP No. 5901 of 2017 dated 02.06.2017 accordingly all the respondents were informed that the undersigned would be visiting the area in question on 15.11.2023 so as to prepare the Third Periodic Status Report and present the same before the Hon'ble Court on the date fixed i.e. 20th November 2023 as regards the compliance of the Hon'ble court order dated 02.06.2017, accordingly the third period report dated 15.11.2023 stands submitted before the Hon'ble Court.

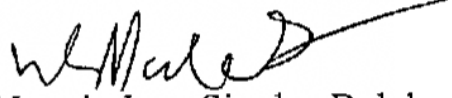
6. That the above COCP was listed on 20.11.2023, 21.11.2023, 22.11.2023, 05.12.2023 and now stands adjourned for 09.02.2024.

7. That it would be pertinent to mention here that on 05.12.2023, CACP No. 16 of 2023 titled as Vikash Garg IAS & Others Vs. Gram Panchayat Bari Karoran arising out of COCP No. 1502 of 2023 was also listed before the Hon'ble Division Bench of this Hon'ble Court and all the three Local Commissioner's Reports filed in COCP No. 1105 of 2023 were taken on record and the undersigned has been asked to come present and assist the Hon'ble Court, accordingly, the undersigned informed all the respondents that the undersign would be visiting the site in question on 08.01.2024, copy of the said information along with orders dated 05.12.2023 passed by the Hon'ble Court sent to the respondents are annexed herewith as **ANNEXURE A-1**.

8. That on 08.01.2024 the undersigned visited the area in question and officers from the different departments of State of Punjab and U.T. Chandigarh were present and the undersigned along with the said officials carried a joint inspection of the area in question. A copy of the said presence sheet is being annexed herewith as **ANNEXURE A-2** and the factual report as regards the compliance of order dated 02.06.2017 is being submitted with regard to the visit of the undersigned dated 08.01.2024 and the same is being submitted for the kind consideration of this Hon'ble Court.

Hence the present report is being submitted with regard to the visit dated 08.01.2024 for the kind consideration of this Hon'ble Court.

Place: Chandigarh
Date: 08.01.2024


Mr. Manvinder Singh Dalal,
Advocate
(LOCAL COMMISSIONER)
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manvinderdalal@hotmail.com
(Mob. No.9779077045)

FOURTH PERIODIC REPORT DATED 08.01.2024 BY THE
LOCAL COMMISSIONER ASCERTAINING THE FACTUAL
POSITION AT THE SPOT

(i) **Factual Position as regards affixing pillars on both sides of Patiala Ki Rao measuring 200 Ft. in width and appropriate steps to remove encroachment in Patiala Ki Rao and to demolish the illegal construction. 0**

STATUS: That the area of Nadi/Choe Patiala Ki Rao falls both under the State of Punjab and U.T. Chandigarh.

Factual position as regards the area Nadi/Choe Patiala Ki Rao falling under State of Punjab;

That major portion/area of the Nadi Choe falling under Punjab State has been heavily encroached by squatters and there is rampant illegal construction even deep inside the Nadi/Choe itself. Certain steps have been taken by the concerned department by carrying out 3-4 demolition of illegal construction's made however still much needs to be done regarding the same, fixing of strong pillars on both sides of the Nadi/Choe measuring 200 Ft. to stop encroachments in the bed of the Nadi/Choe is still pending and has not been complied with.

Factual position as regards the area Nadi/Choe Patiala Ki Rao falling under U.T. Chandigarh;

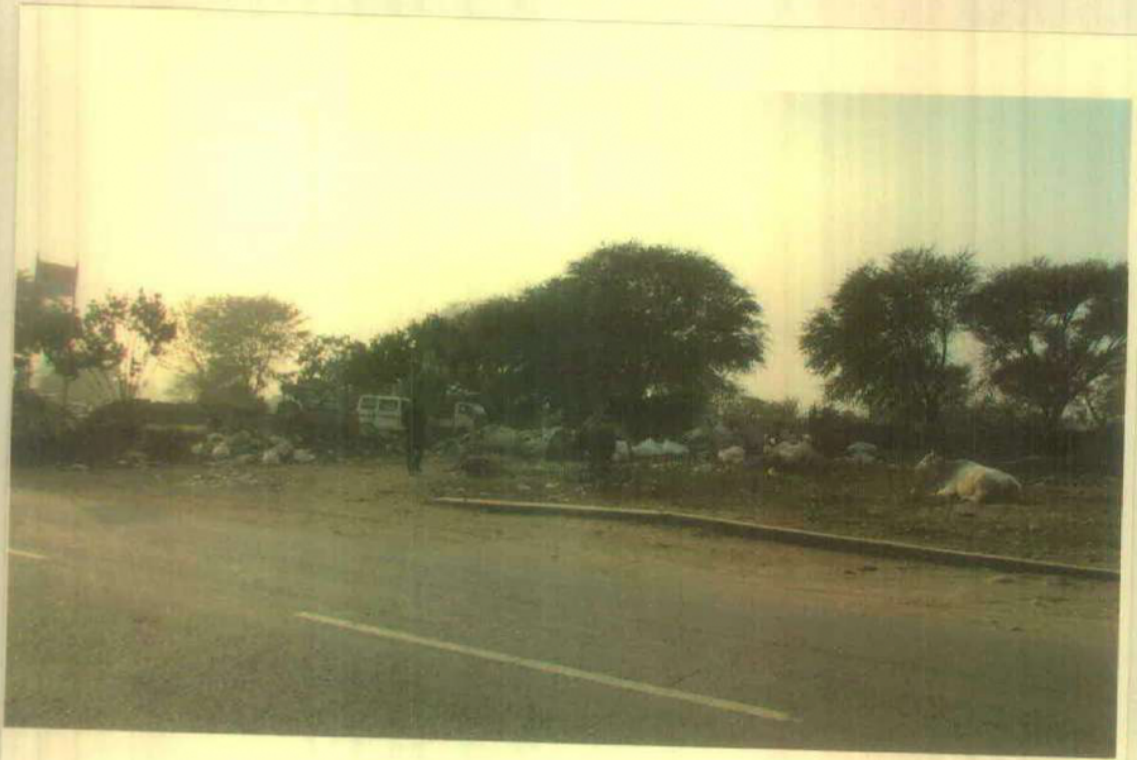
That boundary pillars alongside Patiala Ki Rao have been affixed and Malba/garbage has also been cleared from the bed of Nadi/Choe i.e. Patiala Ki Rao and the said area falling within

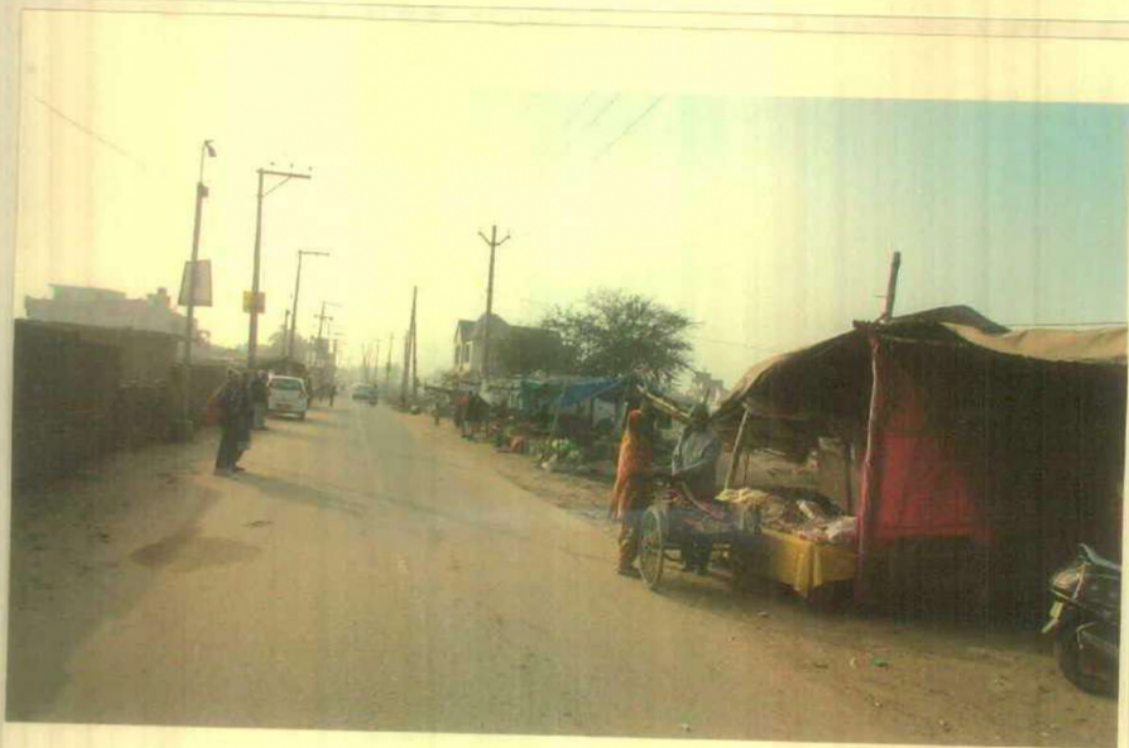
U.T. Chandigarh has been cleared as on date. The garbage being dumped in the UT area has also been got stopped by UT Chandigarh.

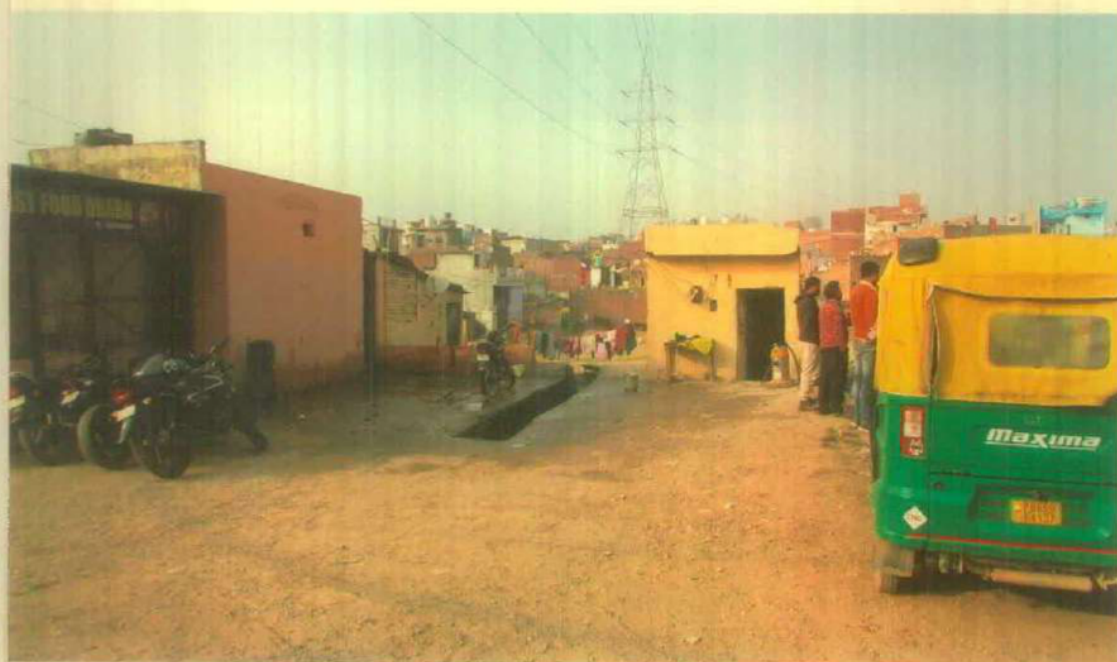
Photographs of the above are attached along with.

















(ii) Construction of 30 Mtr. proposed road fully depicted in the map Annexure P-6 and detailed in Para No. 6 of the writ petition which are provided for in the final master plan 2021-AD notified on 02.01.2009 Nagar Panchayat Naya Gaon.

STATUS: That neither the State of Punjab nor UT Chandigarh has taken any steps for construction of the proposed 30 meter wide road from Khuda Ali Sher (under the Pylons) connecting upto village Karoran, it would be relevant to mention here that the said **total area required to be acquired for the same and falling both in State of Punjab and UT Chandigarh together would be less than one Kilometer in totality i.e. an area of about 500 meters on Punjab Side & 400 meter on UT Chandigarh side**, no steps have been taken till date with regard to the same either by the State of Punjab or by the UT Chandigarh even though the directions in this regard were passed way back on 28.05.2014 in CWP No. 22756 of 2013 and further reiterated vide orders dated 02.06.2017 passed in CWP No. 5901 of 2017. It would be pertinent to mention here that the **proposed road from village Khuda Ali Sher to village Karoran-Nada-Mullanpur to be constructed under the pylons, does not form part of any catchment area.**

That as regards the widening of the road along Patiala Ki Rao and fresh blacktop of the same, the same is also pending decision by both the State of Punjab and UT Chandigarh. Presently the said road is about 15-16 ft. only and nothing in this regard has been started.

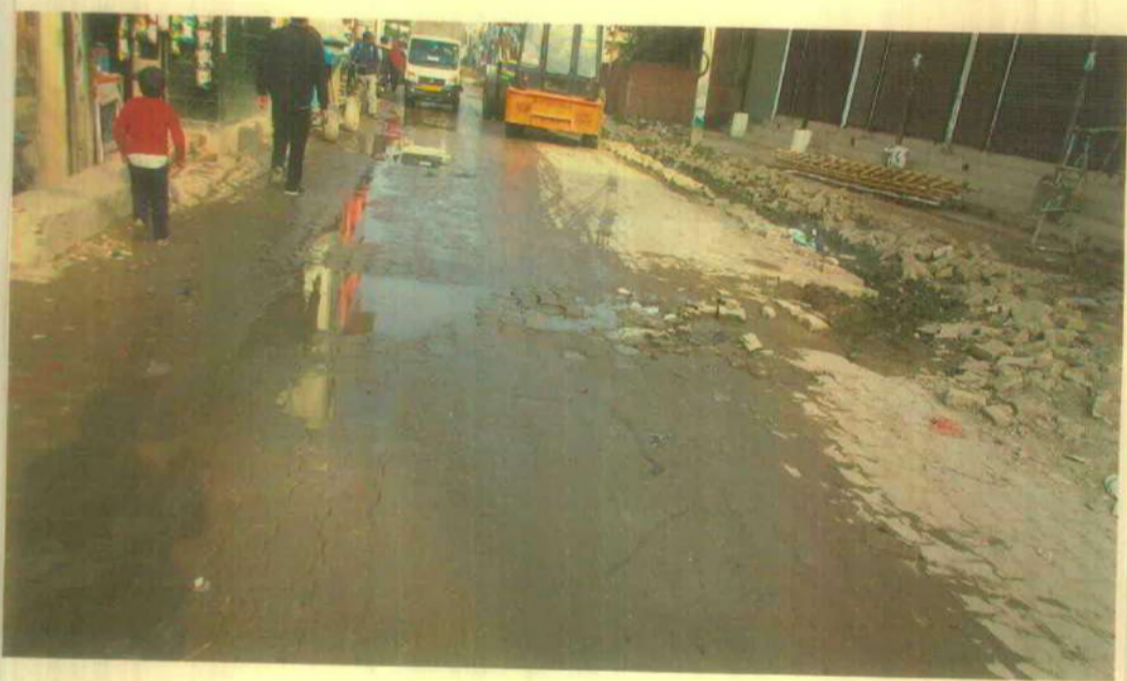
Photographs of the above are attached along with.



(iii) **Repair of existing internal roads in village Karoran and Nada NAC Naya Gaon so as to make them functional without potholes, black topped afresh and operational without accumulation of water and garbage etc.**

STATUS: That the said internal roads come under the purview of Local Government Punjab/EO Naya Gaon/PWD Department, some work on the same has just been started as informed by EO Naya Gao. The same would be accomplished shortly as informed.

Photographs of the above are attached along with.



(iv) Laying of sewerage system and setting-up of sewerage treatment plant for village Karoran, Nada, Kansal (NAC Naya Gaon) which are essential facilities required so as to commensurate to the population of these villages.

STATUS: That in compliance of order dated 27.09.2012 passed in CWP No. 1934 of 2010 as regards setting up of STP Plant it has been informed by the EO Naya Gaon that a two acre site in village parchh has been got identified for setting up of STP Plant and the same would be commissioned shortly.

(v) **Factual Position as regards lifting of garbage piled up on the road from behind of Secretariat, Punjab to Village Kansal as well as on the road from PGI to Naya Gaon along the Patiala Ki Rao as well as to make a permanent provision for installation of INCINERATOR so as to dispose of the garbage of the above said villages in hygienic and scientific manner.**

STATUS: That the undersigned visited the entire area in question and as regards the area falling under State of Punjab the undersigned found that most of the garbage lying scattered along side the entire stretch off Patiala Ki Rao Nadi/Choe has been cleared, however 20% more work regarding the same needs to be done which has been assured to be complied with, provision of incinerator are yet to be complied.

That the area falling under UT Chandigarh has been cleared of the garbage and as regards the Patiala Ki Rao Nadi/Choe falling under the UT Chandigarh most of the of the area already stands cleared. However, further dumping of the garbage in UT area needs to be permanently stopped.

INPUTS: -

That the area in question is abutting the city beautiful Chandigarh and is heavily populated and approximately about 2 Lac residents are residing there at present, proper road connectivity to the area in question is missing and much needs to be done in this regard. The work on 30 meters proposed roads as per the orders passed by the Hon'ble Court with regard to the same have not been complied with till date even though the same have attained finality, moreover, the internal roads are in a very depilated condition, encroachments are rampant. Due to lack of proper roads no public transport/local bus service is available to the residents of the area.

It would be relevant to point out here that in addition to the order/directions dated 02.06.2017 passed in CWP No. 5901 of 2017 this Hon'ble Court had earlier also vide orders dated 28.05.2014 passed in CWP No. 22756 of 2013 in case titled as Gram Panchayat Bari Karoran Vs. State of Punjab had directed for providing proper roads, however as on date there seems no compliance of the said orders either by the State of Punjab or U.T. Chandigarh, further it has been informed by the

office of EO Naya Gaon that as per records for the last 5 years **no commercial building plan has been passed in Naya Gaon MC Limits.**

Hence the report is submitted before the Hon'ble Court as per the directions issued by the Hon'ble High Court for the kind consideration of the same.

Place: Chandigarh
Date: 08.01.2024

Mr. Manvinder Singh Dalal,
Advocate
(LOCAL COMMISSIONER)
House No. 1052, Sector 42-B,
Chandigarh
manvinderdalal@hotmail.com
(Mob. No.9779077045)

Dear Sir , As I hv been appointed as Local Commissioner in Coep 1105/2023 to file status report every bi- monthly I would be visiting the site on 8/1/2024 at 2 pm & start from PS nayagaon for the same , further more in CACP 16/2023 I hv been asked by the Hon'ble DB to come present & assist the court on 16/1/2024 , the order dt 5/12/23 is being sent for necessary action from your deptt end : Thx
Manvinder Dalal Advocate (Local Commissioner)

111 CACP-16-2023 (O&M)

VIKAS GARG, IAS, ADDL. CHIEF SECRETARY-CUM-FINANCIAL COMMISSIONER, FOREST DEPT, PUNJAB AND OTHERS

V/S

GRAM PANCHAYAT, BARI KARORAN, TEHSIL & DISTRICT MOHALI AND ANOTHER

Present:- Mr. Gurminder Singh, Advocate General Punjab with Mr. Aayush Sarna, AAG, Punjab, for the appellants.

Mr. Puneet Bali, Senior Advocate with Mr. Vibhav Jain, Advocate, Mr. Shivam Sharma, Advocate and Ms. Bhawna Chaudhary, Advocate for the respondents.

Mr. Anil Mehta, Standing Counsel for the U.T. Chandigarh with Mr. Himanshu Arora, Advocate and Mr. Nishant Indal, Advocate.

In continuation of our observations made on 17.11.2023 for monitoring the proceedings, we are informed that COCP-1105-2023 is also pending. Mr. Bali has placed before us reports given by the Local Commissioner (LC) in the said proceedings. The same are taken on record.

We have also requested to Mr. Anil Mehta, Standing Counsel for U.T. Chandigarh to put in appearance, since apparently officials of the U.T. Chandigarh are also involved and the area not only involves portion of Punjab, but also portion of U.T. Chandigarh, as it is a road which is leading from village Kaimbala eventually to connect going through village Kansal, Khuda Ali Sher to Karoran, Nada and joining back at U.T. Chandigarh which is our sole consideration. Registry is directed to amend memo of parties.

The reports of the Local Commissioner would go on to show that it is a proposed 30 meters wide road in the State of Punjab. There are

certain issues regarding the areas which are falling in the catchment area and are also subject matter of litigation. It is made clear that we are not passing any directions regarding the area which is falling in the catchment area, in view of the litigation pending separately. We have taken on record the compilation given by Mr. Vibhav Jain which is comprising of three reports submitted by Mr. Manvinder Singh Dalal, Advocate Local Commissioner alongwith annexures and photographs.

The first report dated 29.07.2023 would go on to show that though the road from Dhanas side is properly metalled and the same is alongside the Patiala Ki Rao but is in a very dilapidated condition and has been encroached upon and neither it has been properly black topped either by U.T. Chandigarh or State of Punjab. In the proposed 30 meter road from village Khuda Ali Sher to village Karoran-Nada-Mullanpur there are certain encroachments by constructing small repair shops and the road is to be constructed under the pylons. The said area does not form part of any catchments area and the work on the said road is yet to be started and neither any acquisition has been done. Photographs have also been attached with the report, which would go on to show that dismal picture regarding the situation which is present in the said area as heaps of garbage are being thrown mindlessly alongside the road and in the *choe* area.

The second report dated 13.09.2023 would go on to show that eight officials from the office of D.C., U.T. Chandigarh were also present including Shri Sanyam Garg, HCS, SDM, (Central), U.T. Chandigarh alongwith the team headed by Shri Ravi Kumar Jindal, EO, Naya Gaon. The said report is again noticing the fact of encroachment in the *choe* and no steps have been taken by the Irrigation Department, Punjab to fix

strong pillars on both sides on the *Nadi/choe* measuring 200 feet and encroachments have not been removed. The Local Commissioner had also noticed that the JCB Machines were working for clearing malba/garbage from the bed of the *Nadi/Choe* which had been thrown and 80% of the area falling within U.T. Chandigarh had already been cleared as on date. The encroachments/illegal constructions had been removed and 20% was likely to be removed shortly as told by the concerned officials.

The Local Commissioner had serious apprehensions regarding the dumping of garbage in the U.T. area which needs to be stopped by U.T Chandigarh on permanent basis. It has also been noticed in the report that the said road is about 15-16 feet wide and the widening of the road alongside the *choe* is pending decision by both the State of Punjab and U.T. Chandigarh. It has also been noted by him that an area of about 500 meters is falling in the Punjab side and 400 meters in the U.T. Chandigarh side, however, no decision has been taken both by the State of Punjab or by the U.T. Chandigarh, though directions were passed way-back on 02.06.2017. Therefore, a proposal has been made to repair the existing roads in village Karoran and Nada NAC, Naya Gaon so as to make them functional without potholes, black topped afresh and operational without accumulation of water and garbage etc. The Local Commissioner has also given the report that the said road has come under the purview of Local Government, Punjab/Executive Officer, Naya Gaon and the laying of sewerage system and setting up of Sewerage Treatment Plant (STP) are essential facilities required which have to be commensurate to the population of the said villages. The STP plant for the said villages is yet to be set up. Reference is also made to the order

dated 27.09.2012 passed by the First Division Bench in CWP No.1934 of 2010, which read as under:-

“In compliance with directions given by this Court in this writ petition, affidavit of Shri V.K. Bhalla, Special Secretary, Local Government, Punjab, is filed which is taken on record. It is stated in the said affidavit that for laying sewerage system in Naya Gaon, a sum of ₹43.15 crores has been approved. Out of this, a sum of ₹16 crores has already been sanctioned for the time being and first instalment of ₹8 crores has even been released to the Punjab Water Supply and Sewerage Board, the executing agency of the project. It is further mentioned in this affidavit that laying of sewerage system shall be completed within one year and setting up of sewerage treatment plant within two years. Assurance is given at the bar that the remaining amount shall also be released as and when required without any delay to enable the Board to execute the project as early as possible.

We hope and expect that the respondents shall adhere to aforesaid timeframe.

The writ petition is, thus, disposed of.

In case there is any delay in completion of project, the instant petition shall be revived.”

The Local Commissioner has also opined that *Nadi/Choe* was filled with huge piles of garbage scattered over a large area and the area is in a very unhygienic condition. It has also been mentioned that 2 lakhs residents are residing there and there is no proper road connectivity in the area and there is no dumping ground provided for garbage collection. The photographs attached with the report also confirm the observations given by the Local Commissioner.

The third report dated 15.11.2023 would go on to show that the work had been allotted to M/s Ranveer Singh by the Executive Engineer, CP, Division No.2 (R), Chandigarh for ₹22,46,870/- for

providing the boundary pillars along Patial Ki Rao from village Maloya upto Naya Gaon and affixation of the pillars had been started from village Dhanas side and the U.T. again was making efforts to clear the garbage area. It has also been mentioned that the area has been heavily encroached by squatters and there is illegal construction even deep inside the *Nadi/Choe* itself.

Thus, in sum and substance the said reports would go on to show that the status of the area has not changed, in spite of various directions issued over a last decade. We have also gone through paragraph No.23 of the affidavit of Mr. Ajoy Sharma, Secretary to Government of Punjab, Department of Local Government. The said paragraph reads as under:-

"23. That regarding road from PGI, Chandigarh to Village Kaimbala passing through Karoran, Khuda Ali Sher and Kansal, it is submitted that the Executive Officer, Municipal Council, Naya Gaon in his report has marked the proposed master plan road as per which, Road point marked as "A" to Point "B" falls outside the Municipal limit of Municipal Council and the same falls in U.T Chandigarh. The area of Road point marked as "B" to Point "C" falls in Village Kansal which is in the Catchment Area as depicted in the Survey of India Map dated 21.09.2004. The area of Road point marked from Point "C" upto Point "D", falls in Village Khuda Ali Sher, which is in U.T. Chandigarh and the area of Road point marked as "D" to Point "E" and further Point "G" falls in boundaries of municipal limits of Municipal Council, Naya Gaon. A road already exists from point E to G. As far as point D to point E is concerned, an alternative route is already available which has been marked in the attached Plan. Accordingly access from PGI to village Khuda Ali Sher through village Karoran is already existing. Further, the Master Plan roads are futuristic planning and are developed/widened as and when the owners

of the area through which these roads passes apply for approvals. The land owners are compensated in the form of additional FAR (Floor Area Ration) on the left out area or in the form of TDR (Transferable Development Rights). Copy of the report including map marked by the Executive Officer is attached herewith as Annexure -Y."

The said paragraph has to be read in relation to the site plans which have been placed on record as Annexure P-17. The reading of the above paragraph would go on to show that it was the duty of both the State of Punjab and U.T. Chandigarh to make efforts for making the road functional which was the concern of the Division Bench also way-back on 28.05.2014, out of which the contempt has also arisen. The delay as such cannot be condoned in any manner that the authorities are apparently sleeping on and taking this Court for a ride.

We, accordingly, direct both the U.T. Chandigarh and the State of Punjab to file a status report as to what steps are being taken regarding the clearing of the encroachments on the road which is planned alongside the *choe* to the extent as done in the Master Plan. The report will also be given regarding the steps which the U.T. Chandigarh and the State of Punjab propose to take as to how the garbage has to be cleared from the said area, since we are informed that for the two villages there are only two trucks which are functional and also that the garbage is collected and taken to Lalru, which means all the garbage is transported through the town of Chandigarh.

The observations regarding the setting up of STP within two years in the year 2012 has already been noticed above. We fail to understand as to why 2 lakhs residents are not being provided basic public amenities for the last one decade in the State of Punjab. The Executive

Officer, Naya Gaon shall also file an affidavit that what development activities have been carried out for the last one decade. Steps accordingly, be taken up for setting up of an STP and report be submitted regarding proper compliance done of the orders passed by the Division Benches.

We would also request the Local Commissioner who is appearing in COCP-1105-2023 to come present and assist this Court. The State of Punjab and U.T. Chandigarh shall also make list of encroachments which have been made in the *choe* and give details whether any steps have been taken to remove the encroachments. It is made clear that proper procedure shall be adopted by issuing show cause notice to the persons who are in unauthorized occupation and for necessary action in accordance with law against such encroachments who are blocking the path of the *choe*.

Adjourned to 16.01.2024.

(G.S. SANDHAWALIA)
JUDGE

December 05, 2023
Naveen

(LAPITA BANERJI)
JUDGE



// TRUE COPY //

ANNEXURE R-2**IN HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CM No.252-CWPIL-2026

In

Civil Writ Petition-PIL No.79 of 2025

Ram Lal & Others

...Petitioners

V E R S U S

State of Punjab & Others

...Respondents

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Sr. No.	Particular(s)	Date(s)	Page(s)	Court Fee
1.	Short reply to the application by way of affidavit	22.05.2026	1-4	--
ANNEXURE(S):				
2.	R-5/8 : Notification	04.03.2013	5-7	2.00
3.	Power of Attorney	Already on record		--
Total: ₹				2.00

- NOTE :-**
1. Main Case is fixed for 27.05.2026
 2. Advance copy has been supplied to the Counsel Opposite.

CHANDIGARH
DATED: 22.05.2026

[SANDEEP KHUNGER & SAKSHAM KHUNGER]
(P/360/1986) PH/6397/2022
(PH224578) (PH230182)
ADVOCATES FOR THE RESPONDENT No.5

IN HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CM No.252-CWPIL-2026

In Civil Writ Petition-PIL No.79 of 2025

Ram Lal & Others

...Petitioners

V E R S U S

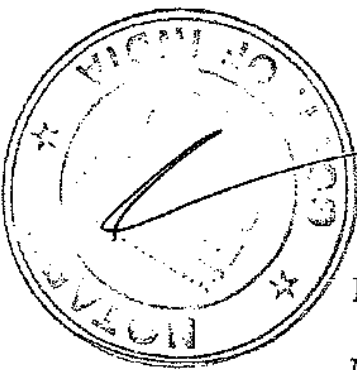
State of Punjab & Others

...Respondents

Short reply to the application by way of affidavit of Vijay Jindal, Executive Officer, Municipal Council, Nayagaon, District S.A.S. Nagar (Mohali), Respondent No.5.

I the above, named, deponent, do hereby solemnly affirm and declare as under:-

1. That the present writ petition has been filed by the petitioners for the issuance of a writ in the nature of 'Mandamus' for issuance of a direction to frame comprehensive Master Plan/Development Plan for the area of Nayagaon, Nada, Karoran and adjoining Villages as the earlier Master Plan was upto the year 2021 and for the issuance of a writ directing the respondents to provide the basic amenities especially accessibility and connectivity from U.T. Chandigarh and New Chandigarh (Mullanpur) to the area of Nayagaon, Nada, Karoran and adjoining villages; for the issuance of writ in the nature of 'Mandamus' directing the respondents to construct 30 meter wide road connecting Khuda Alisher from

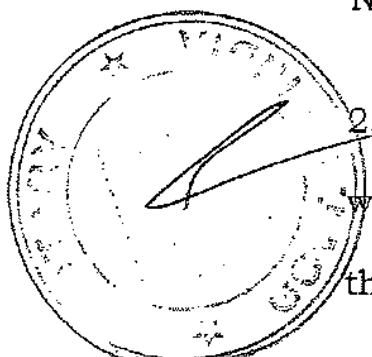


EXECUTIVE OFFICER
MUNICIPAL COUNCIL
NAYA GAON

P.G.I. side alongwith 'Patiala-ki-Rao' passing through Village Nada and Village Karoran and second road from New Chandigarh Barrier to Nayagaon, joining P.G.I. to Khuda Alisher; writ of 'Mandamus' directing the respondents to widen the road from PEC to Khuda Alisher and second road from Secretariat to Nayagaon upto 30 meter as designated under the Master Plan, 2021 and for the issuance of a writ of 'Mandamus' directing the respondents to reserve an appropriate amount out of the total sum of ₹ 140 Crores allocated for the development of the roads in district S.A.S. Nagar (Mohali) for completion/implementation/construction /maintenance of roads and also to check unregulated, unauthorized haphazard residential and commercial development in the area of Nayagaon, Nada, Karoran and adjoining villages; and to re-carpet the roads in the area of Nayagaon, Nada, Karoran and adjoining villages etc.

2. That on receipt of the notice of the writ petition, written statement on behalf of respondent No. 5 was filed in this Hon'ble Court.

3. That during the pendency of the present writ petition, the present Application has been filed by the petitioners for issuance of direction for strengthening the embankments along side Patiala Ki Rao (Choe) as the encroachments and unabated construction is going on in the



EXECUTIVE OFFICER
MUNICIPAL COUNCIL
NAYA GAON

Patiala Ki Rao significantly increasing the risk of flooding of the area during the approaching rainy season.

4. That kind attention of this Hon'ble Court is drawn to the notification dated 04.03.2013 issued by the Government of Punjab, Department of Irrigation vide which in exercise of the powers conferred by Section 55 of the Northern India Canal and Drainage Act No. VII of 1873 read with Section 3 of the aforesaid Act, the Executive Engineer, Water Management Investigation Division, Rupnagar has been authorized to take action against the persons creating any obstruction by making any type of construction or by covering the Patiala Ki Rao Nadi/Chao. A copy of the Notification dated 04.03.2013 is annexed herewith as **ANNEXURE R-5/8**.

5. That in view of the Notification dated 04.03.2013, the Executive Engineer, Water Management, Investigation Division, Rupnagar is to take suitable action against the encroachers, who have encroached upon or obstructed the Patiala Ki Rao Nadi/Chao. It may be mentioned here that the Municipal Council, Naya Gaon is only to provide the manpower and machinery to the Executive Engineer, Water Management, Investigation Division for the removal of the encroachments on Patiala Ki Rao and the Municipal Council has been providing the manpower as well as the machinery for the said purpose as and when the same was requested by the said Authority. The Deponent further undertakes to



EXECUTIVE OFFICER
MUNICIPAL COUNCIL
NAYA GAON

provide the machinery and manpower as and when the same is required by the Executive Engineer, Water Management, Investigation Division, Rupnagar.

6. That keeping in view the facts and circumstances and the nature of the application, the Deponent is filing short reply to the application by way of affidavit, however, undertakes to file detailed parawise reply if so directed by this Hon'ble Court during the pendency of the present writ petition.


CHANDIGARH
DATED: 22.05.2026


EXECUTIVE OFFICER
MUNICIPAL COUNCIL
NAYA GAON

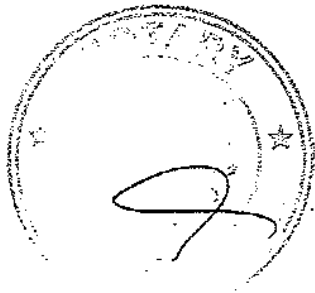
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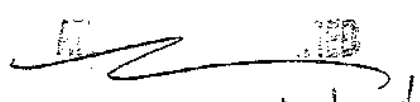
Verified that the contents of paras 1 to 6 of the reply by way of affidavit to the application are true and correct to my knowledge and information derived from official record. No part of it is false and nothing has been kept concealed therein.

CHANDIGARH
DATED: 22.05.2026


VIJAY JINDAL
EXECUTIVE OFFICER
MUNICIPAL COUNCIL
NAYA GAON

13627




22/5/26
NOTARY

Identify the deponent's signature
and compare it with the
document attached
3

Signature

ANNEXURE -R-5/8

[Extract from the Punjab Govt. Gaz. (Extra), Dated the 4th March, 2013]

GOVERNMENT OF PUNJAB
DEPARTMENT OF IRRIGATION
(Irrigation Works Branch)

NOTIFICATION

The 4th March, 2013

No. 4/8/2013-iw(3)26573/1. In exercise of powers conferred by Section 55 Part VII of the Northern India Canal and Drainage Act No. VII of 1873 read with Section 3 of the aforesaid Act, the Governor of Punjab is to authorize the Executive Engineer, Water Management Investigation Division, Rupnagar and his officials/working of prevent all the public/ autonomous bodies person or persons from creating any obstructions by making any type of construction or by covering the PATIALA KI RAO NADI/CHOE situated/passing through in the villages mentioned below in the specified columns.

All the persons concerned are hereby directed to remove all the obstructions if any created by them on the PATIALA KI RAO NADI/CHOE so that the natural flow of rainy water in the Nadi is maintained for free flow and not obstructed or diverted in any way.

SPECIFICATIONS OF LOCALITY

Name of District	Name of Tehsil	Name of Village	Hadbast No.	Khasra No.	Area (Kanal)	Area (Marlas)	Remarks
S.A.S. Nagar	Kharar	Karoran	352	142/22/Min	0	0	
				23 Min	0	9	
				229/Min	44	0	
				232/1/2 Min	43	0	
				230/Min	8	0	
S.A.S. Nagar	Kharar	Nada	350	147/Min	0	13	
				111/2 1/2 Min	1	0	
				22/Min	1	7	
				112/14/Min	1	0	
				15/Min	2	2	
				113			
				8/Min	0	9	
				9/Min	0	3	
				10/Min	0	3	
				14/Min	1	5	
				15/Min	4	9	
				16	4	0	
				114	1	13	
				20/2/Min			
				21/Min	6	8	
				22/Min	1	13	
				116			
1/2/Min	0	7					
2	2	11					
9	2	06					
10/Min	0	6					
117							

Name of District	Name of Tehsil	Name of Village	Hadbast No.	Khasra No.	Area (Kanal)	Area (Marlas)	Remarks
				1	1	9	
				2/Min	4	3	
				3/Min	4	0	
				4/Min	0	18	
				119			
				1/Min	1	11	
				21/1/Min			
				2/2/Min	0	17	
				3	0	7	
				120			
				5/Min	0	10	
				375	0	14	Gair Mumkin Rasta
				129/1	91	9	
				173/1/1			
				Min	88	15	

CERTIFIED TO BE TRUE & CORRECT COPY

ADVOCATE



// TRUE COPY //