

H.C.Arora Vs. State of Punjab and others

Present : Mr. H.C.Arora, petitioner-in person.  
Mr. J.S.Puri, Addl. Advocate General, Punjab,  
for respondent No.1.  
Mr. Rupinder Khosla, Advocate,  
for respondents No.2 and 4.  
Ms. Sonika Kapadia, Advocate, for respondent No.3.

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Affidavit is filed on behalf of PUDA stating that the provisions regarding rain harvesting in PUDA (Building)Rules, 1996 has been made by inserting Rule 45-A therein vide notification dated 25.08.2010.However, other aspects raised in the petition are not adverted to. Other respondents have also not filed any affidavit.

Let PUDA and other respondents file their comprehensive replies/affidavits within a period of four weeks.

List again on 02.03.2013.

(A.K.SIKRI)  
CHIEF JUSTICE

30.01.2013  
'ravinder'

(RAKESH KUMAR JAIN)  
JUDGE

**C.W.P. No.18369 of 2012**

**H.C. Arora v. State of Punjab and others**

Present: Mr. H.C. Arora, petitioner in person.

Mr. J.S. Puri, Additional Advocate General,  
Punjab for respondent No.1.

Mr. Rupinder Khosla, Advocate for respondents  
No.2 and 4.

Mr. Ajay Kaushik, Advocate for respondent No.3.

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Affidavit of Chief Administrator, Punjab Urban Planning and Development Authority (PUDA) has been filed, which inter-alia states that in so far as rain harvesting is concerned, provisions have already made in PUDA (Building) Rules, 1996 by inserting Rule 45-A vide notification dated 25.8.2010.

As far as issue regarding restriction on use of ground water in notified areas of Punjab is concerned, it is pointed out that Central Ground Water Authority under Ministry of Environment & Forests, Government of India has declared certain areas in Punjab as notified areas through various notifications with a view to protect and preserve ground water resources. The copy of the notification is enclosed as per which 45 areas in Punjab are declared as notified areas. It is further stated that various authorities in Punjab are looking after the development works in areas falling in their respective jurisdiction and instructions have been issued to all those development authorities with the prior approval of the Secretary Housing and Urban Development Department Punjab vide letter dated 27.2.2013 to the effect that the notifications issued by the Central Ground Water Authority be implemented in true spirit and no underground water be used for constructions purpose in the notified areas.

We are of the opinion that mere issuance of such instructions, which have also given too belatedly, i.e., as recently as on 27.2.2013 would not suffice. The list annexed with the affidavit itself shows that Ludhiana was declared notified area wayback on 11.12.1998. There are certain other areas which were declared notified areas, namely, Moga and Sangrur in the year 2006. No concrete steps have been taken by the State to ensure implementation of the notification. It becomes imperative that to enforce the notification, there should be some action plan.

Mr. Khosla, learned counsel appearing for respondents No.2 and 4 as well as Mr. Puri, learned counsel appearing for State of Punjab seek some time so that the authorities are able to delve into this issue and bring out some concrete and effective action plan.

We expect the determination of concerned authorities on this issue and some positive steps are taken before the next date of hearing.

List on 25.4.2013.

(A.K. SIKRI )  
CHIEF JUSTICE

March 02, 2013  
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( RAKESH KUMAR JAIN )  
JUDGE

CWP No.18369 of 2012

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**H.C. Arora****Vs. State of Punjab and others**

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Present: Mr.H.C. Arora, petitioner in person.

Mr.J.S. Puri, Addl. A.G. Punjab.

Mr.Rupinder Singh Khosla, Advocate,  
for respondents No.2 and 4.Ms.Sonika Kapadia, Advocate,  
for respondent No.3.

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Affidavits of respondents No.2 & 4 and 3, filed in Court today,  
are taken on record.

PUDA and State authorities are directed to place on record as  
to what conditions are imposed upon the builders to use re-cycled water  
for the purpose of construction and what is the procedure adopted to  
monitor the same. Further more, in all the cases, where licences have been  
granted to the builders, the PUDA shall find out by making physical  
verification whether any bore-well has been established and how much  
water is being extracted. The builders can be asked to put Water Meters on  
those bore-wells as per directions issued by the Central Ground Water  
Authority, so as to ensure the quantity of water extracted. The water can  
be extracted only for the purpose of drinking and not for construction. The  
PUDA and State authorities shall submit detailed report in this regard on  
the next date of hearing.

Adjourned to 16.5.2013.

**(JASBIR SINGH)  
ACTING CHIEF JUSTICE****(RAKESH KUMAR JAIN)  
JUDGE****APRIL 25, 2013**

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**Civil Writ Petition No. 18369 of 2012**

H.C.Arora, Advocate  
Vs.  
State of Punjab and Others

Present: Mr. H.C.Arora, Advocate,  
Petitioner in person.

Mr. J.S.Puri, Addl. AG Punjab  
for respondent No.1.

Mr. Rupinder Singh Khosla, Advocate  
for respondents No.2 and 4.

Ms. Sonika Kapadia, Advocate  
for respondent No.3.

Mr. Rupinder Singh Khosla, Advocate, appearing on behalf of respondents No.2 and 4 has shown us one affidavit and on perusal thereof it appears that there is no compliance to the directions given by us vide order dated 25.4.2013. The said affidavit is returned to him. No status report has been filed by Mr. J.S.Puri, Additional Advocate General, Punjab. He seeks some more time to do the needful.

We adjourn this case to 23.5.2013.

The Chief Secretary, State of Punjab is directed to issue directions to all the Deputy Commissioners to verify the facts and take action in terms of the directions issued from time to time by the Central Ground Water Authority, Ministry of Water Resources and Ministry of Environment and Forest to preserve underground water. In case status report is not put up on record by the date fixed, then the Chief Administrator, Punjab Urban Development Authority and the Secretary, Department of Local Bodies, Punjab shall remain present in the Court.

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Civil Writ Petition No. 18369 of 2012

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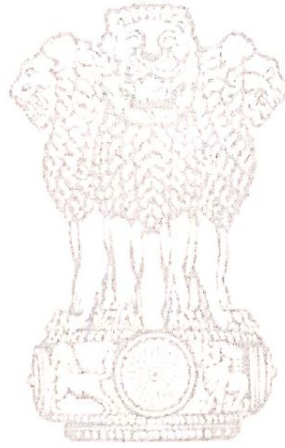
A copy of this order, duly attested by the Court Secretary of this Court, be furnished to Mr. Rupinder Singh Khosla, counsel for respondents No.2 and 4 and Mr. J.S.Puri, Additional Advocate General, Punjab, for onward transmission and compliance.

(Jasbir Singh)  
Acting Chief Justice

(Rakesh Kumar Jain)  
Judge

May 16, 2013  
"DK"

HIGH COURT OF PUNJAB AND HARYANA



सत्यमेव जयते



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201 IOIN-CWP-18369-2012(PIL)

H.C. Arora  
v.  
State of Punjab and others

Present: Mr. J.S. Rana, Advocate for the petitioner.  
Mr. Shireesh Gupta, Sr. DAG, Punjab.  
Mr. Sarvesh Malik, Advocate for respondents No.2 & 4.  
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Status report filed by respondent No.1 is taken on record. Copy supplied to learned counsel for the petitioner, who wants a short accommodation to examine the same.

To be listed on 21.02.2019.

Personal appearance of Director, Local Government, Punjab, is exempted unless it is directed or otherwise.

( Krishna Murari )  
Chief Justice

( Arun Palli )  
Judge

06.12.2018  
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सत्यमेव जयते

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**Civil Writ Petition No. 18369 of 2012**

H.C.Arora, Advocate  
Vs.  
State of Punjab and Others

Present: Mr. H.C.Arora, Advocate  
Petitioner in person.

Mr. P.S.Bajwa, Addl. AG Punjab  
for respondent No.1.

Mr. Rupinder Singh Khosla, Advocate  
for respondents No.2 & 4.

None for respondent No.3.

Short affidavit of Vinod Kumar Bhalla, Special Secretary,  
Department of Local Government, Punjab at Chandigarh and Status  
Report, by way of affidavit of Manvesh Singh Sidhu, Chief Administrator,  
Punjab Urban Planning and Development Authority, filed today in Court,  
are taken on record. Copies thereof are furnished to the counsel  
opposite.

On request, adjourned to 1.8.2013.

सत्यमेव जयते

(Jasbir Singh)  
Acting Chief Justice

(Rakesh Kumar Jain)  
Judge

May 23, 2013  
"DK"