



2026:CGHC:23906



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 246 of 2023

Manish Kumar Ghore S/o Ishwarlal Ghore Aged About 48 Years R/o Nariyal Kothi,
Dayalband, District : Bilaspur, Chhattisgarh

... Petitioner

versus

**1 - Municipal Corporation, Bilaspur Through Its Commissioner, Municipal Corporation,
District : Bilaspur, Chhattisgarh**

2 - Public Utility Permanent Lok Adalat Bilaspur, Chhattisgarh.

... Respondent(s)

Petitioner in Person	:	Mr. Manish Kumar Ghore
For Respondents	:	Ms. Apoorva Pandey, Advocate

Hon'ble Shri Justice Sachin Singh Rajput

CAV Order

1. The petitioner has filed this writ petition seeking for the following relief(s);

“10.1 That, this Hon'ble Court may kindly be pleased to call for entire records pertaining to the case of the petitioner.

10.2 That this Hon'ble Court may kindly be pleased to quash/set-aside the impugned award dated 10.01.2023 (Annexure P/1) in the interest of justice.

10.3 That this Hon'ble Court may kindly be pleased to further direct the Municipal Corporation, Bilaspur to reconstruct the drainage system of the residents of the colony. including the petitioner.

10.4 That any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the cost of the petition may be given.”



2. The subject matter in a nutshell is that the petitioner filed an application under Section 22A of the Act contending that on 03.04.2022 his neighbors demolished the drains situated in front of his house and nearby area by JCB and upon being restrained by the petitioner and other residents threatened them with dire consequences. Despite making several complaints to the higher authorities, no action was taken compelling the petitioner to approach the Permanent Lok Adalat (Public Utility). However, after hearing the parties, the Permanent Lok Adalat dismissed the application holding that the petitioner failed to prove demolition of the drains by his neighbors and consequently declined the relief of reconstruction of drainage. Hence, this petition.
3. Petitioner appearing in person submits that the learned Permanent Lok Adalat travelled beyond its jurisdiction while deciding the application by entering into the question of title and sanctioned map though there was no dispute with regard to ownership of the petitioner's house or existence of sanctioned map. Even in the report submitted by the Municipal Corporation (Respondent No.1), no allegation regarding any illegal construction or absence of sanctioned map has been raised. It is further submitted that the petitioner had only sought reconstruction of the drainage system for proper discharge of waste water from his house as well as adjoining houses which squarely falls within the ambit of deficiency in public utility service. However, the learned Permanent Lok Adalat dismissed the application on technical grounds without considering the practical difficulties faced by the residents. He further submits that the learned Permanent Lok Adalat failed to appreciate the report of the Commissioner, Municipal Corporation wherein it is specifically recorded that waste water from four houses was accumulating on vacant land, thereby establishing deficiency in service on the part of Respondent No.1. It is



contended that the learned Permanent Lok Adalat, exercising jurisdiction under Section 22C of the Act could not have adjudicated upon questions of title or ownership and ought to have confined itself to the issue relating to public conservancy and sanitation services. Therefore, prays that the petition may be allowed.

4. On the other hand, learned counsel for the respondents submits that a written reply dated 19.09.2022 was filed stating therein that earlier the drain water used to accumulate on vacant land, however, the said pit area has now been filled with soil by one Girdharilal Gorakh claiming the same to be his own land. It is further submitted that a Municipal Corporation drain already exists on the opposite side in front of the petitioner's house and the wastewater from his house can conveniently flow through the said drain which is cleaned periodically by the Municipal Corporation. It is, therefore, contended that at the place from where the petitioner claims the water used to flow neither any temporary nor permanent drain was ever constructed by the Municipal Corporation. Therefore, no interference is warranted by this Court and the petition is liable to be dismissed.
5. I have heard the petitioner appearing in person as well as learned counsel for the respondents at length and have minutely perused the entire material available on record.
6. It is the case of the petitioner that an earlier existing cemented drain which was being used for discharge of waste water from his house and adjoining properties was allegedly demolished by private individuals using machinery, thereby disrupting the natural flow of drainage. The petitioner further asserts that in the absence of any functional outlet at the back, the residents have been



compelled to discharge waste water through makeshift arrangements over a vacant parcel of land, leading to sanitation concerns.

7. The respondents on the other hand have consistently disputed the existence of any municipal drain at the alleged site and have maintained that a duly constructed and functional drainage line already exists on the front side of the petitioner's house. It is their stand that the said system is regularly maintained by the Municipal Corporation and is sufficient for discharge of waste water. It is further asserted that the alleged blockage or accumulation is not attributable to any act or omission on the part of the Municipal Corporation but is a consequence of private disputes relating to encroachment and filling up of the intervening pit area.
8. This Court by its order dated 19.09.2025 constituted a Committee comprising Mr. Ratnesh Agrawal, Advocate and Mr. Ashish Tiwari, Advocate to examine the grievance of the petitioner and submit a report thereon. The inspection report placed on record assumes significance. A perusal thereof indicates that at the rear side of the petitioner's house, there exists a vacant parcel of land over which waste water from adjoining row houses including that of the petitioner is being discharged through a makeshift kachcha (Mud) drain. The report further records that certain local residents have raised objections with regard to ownership of the said land and have claimed private title over the same while the petitioner disputes such claim and suggests that the area could be utilized for construction of a pucca (cemented) drainage line connecting to the main nallah. The Committee is duly appreciated for conducting a meticulous inspection of the site and for submitting its findings diligently.
9. Significantly, the Sub-Engineer of the Municipal Corporation who was part of the inspection team has expressed inability of the Corporation to undertake



any construction activity over the said rear portion owing to the subsisting dispute regarding ownership. It has however been indicated that an alternative feasibility exists to connect the petitioner's drainage discharge to the existing municipal line situated on the front side of the premises, though such proposal was not acceptable to the petitioner at the relevant time.

10. The core issue which emerges for consideration is whether in the facts and circumstances of the present case, any deficiency in service on the part of the Municipal Corporation can be said to be established so as to warrant interference in exercise of writ jurisdiction. The law in this regard is well settled that this Court in proceedings under Article 226/227 of the Constitution does not act as a fact-finding authority to adjudicate disputed questions of title, possession, or technical feasibility of civic infrastructure, particularly when the material on record is conflicting and the issues are predominantly factual in nature.
11. In the present case, the existence of competing claims over the land at the rear portion, the admitted presence of an alternate drainage line on the front side and the inability of the Municipal Corporation to act in view of the said dispute collectively persuade this Court to hold that no clear case of arbitrariness, illegality or perversity is made out against the respondents. The conclusions drawn in the impugned decision cannot be said to be unsupported by material on record so as to justify interference.
12. At the same time, the Court cannot remain oblivious to the inconvenience being faced by residents on account of improper drainage and resultant accumulation of waste water which undoubtedly raises concerns of public hygiene. However, such issues are best addressed through appropriate



administrative measures rather than adjudication in writ proceedings involving disputed factual foundations.

13. In view of the foregoing discussion, this Court does not find any ground to interfere with the impugned decision. The writ petition is accordingly dismissed. It is, however, made clear that the petitioner shall be at liberty to approach Respondent No. 1/competent authority of the Municipal Corporation by way of a comprehensive representation, highlighting the grievance as well as the feasibility of an appropriate drainage solution. In the event any urgent sanitation issues are observed during the inspection, the Municipal Corporation shall implement suitable interim measures to safeguard public health. Upon receipt of such representation, the same shall be considered expeditiously, preferably following a site inspection and a reasoned decision shall be taken in accordance with law.
14. With these observations and liberty, the petition stands disposed of. No order as to costs.

Sd/-

(Sachin Singh Rajput)

Judge