

**IN THE HIGH COURT OF HIMACHAL  
PRADESH SHIMLA**

*Cr.M.P (M). No. 237/2010*

Date of decision: 31. 3. 2010

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***State of H.P.***

***....Petitioner***

***Versus***

***Narbir Singh***

***.....Respondent***

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***Coram:***

**The Hon'ble Mr. Justice Surinder Singh, J.**

***Whether approved for reporting ?<sup>1</sup> .***

**For the appellant:**

**Mr. Anshul Bansal, Addl.  
Advocate General with Mr.  
J.S. Rana, Assistant  
Advocate General.**

**For the respondent :**

**None**

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**Surinder Singh (Oral)**

Heard.

Four public taps were sanctioned and installed under the Water Supply Scheme 1969 in the village of the complainant. When the complainant constructed a new house, he shifted one of the taps nearer to his newly constructed house, which was objected to by the respondents and its water supply was stopped. Public water taps were provided in the area where the cluster of the houses existed and this fact was admitted by the complainant. Case of the complainant has been that the

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<sup>1</sup> *Whether the reporters of Local Papers may be allowed to see the judgment ?. yes*

public tap was shifted by him with the consent of the villagers but the respondents are also from the same village and no document or evidence was produced by him that it was so done with the consent of the villagers. The Learned trial Court rightly came to the conclusion that there was no justification to the complainant to shift the water tap from its location near to his newly constructed house. By filing the present case against the respondent, complainant wanted to have an edge over the respondents for continuous supply of water from the public tap which was wrongly shifted by him near to his newly constructed house. The matter was also reported to the B.D.O. concerned by PW2 Kanta Devi immediately on shifting the water tap but no action was taken on that. On the top of it the delay in lodging the FIR remained unexplained.

Against the aforesaid background, leave to appeal, as prayed for is refused.

March 31, 2010  
(cm)

(Surinder Singh), J