

(2013) 10 JH CK 0001

In the Jharkhand High Court

Case No : Writ Petition (PIL) No. 3023 of 2008

Bhagwan Birsa Sewa Sansthan

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 17-10-2013

Acts Referred:

Citation : (2014) 1 JLJR 89

Hon'ble Judges : Dhirubhai Naranbhai Patel, Acting C.J.; S. Chandrashekhar, J

Bench : Division Bench

Advocate : Lakhan Chandra Roy, for the Appellant; M.M. Prasad, for the Respondent

Judgement

Dhirubhai Naranbhai Patel, A.C.J

1. This Public Interest Litigation Petition has been preferred for the following prayers:- 1. That in the instant public interest petition the petitioner above named seek issuance of appropriate writ(s), direction(s) and/or order(s) for the following reliefs:--

(A) For issuance of writ in the nature of writ of mandamus to direct the respondents to ensue the drinking water supply at Mango area Jamshedpur as per the condition laid down in notification No. 1625 dated 31.5.06 by the Urban Development Department, Government of Jharkhand.

(B) For issuance of a writ in the nature of writ of mandamus to direct the respondents mainly respondent No. 4 to not collect enhance drinking water tax till the drinking water supply should be made corrected as per the condition laid down in above mentioned notification.

(C) For any other appropriate relief(s) for which the petitioner is entitled in the fact and circumstances of the case.

We have heard counsel for the petitioner, who has submitted that the respondents are not supplying drinking water in Mango area, Jamshedpur as per

the conditions laid down in the notification dated 31st May, 2006. There are several houses which are not getting supply water and those who are getting supply water they are given only twice or thrice a week.

2. I have heard counsel for the respondents, who has submitted that a detailed counter affidavit dated 6th September, 2013 has been filed in which it has been stated that in Mango Notified Area the Urban Development Department is making a proper arrangement for supply of water through Mango Notified Area Committee. Now, Water Treatment plant having capacity 48 million liters per day has been constructed to supply water for the projected population upto the year 2025. The present requirement of water in the year 2013 is approximately 37 million liters per day. The Treatment Plant is fully functional and is ready to fetch the present and future water supply demand till 2025. It is further submitted by the counsel for the respondents that at present 3.42 million liters water per day is treated and supplied. Only 3200 persons have applied for water connection out of 40,000 dwelling units. Thus, if other persons are applying for new connection they shall be given adequate water facility in Mango Notified Area Moreover, one more detailed affidavit has been filed in the month of October, 2013 in which it has been stated that Jamshedpur Utility Service Company (JUSCO) is executing agency. They have, also laid necessary pipe line and some minor work is yet to be completed which will be over by November, 2013. Zone wise detail has also been pointed out in this affidavit. Thus it is submitted by the counsel for the respondents that the water is available for Mango Notified Area and if the public at large are applying for the new water connection they shall be given water and therefore, this writ petition may be disposed of by suitable direction.

3. In view of these submissions and looking to the affidavit filed by the respondents as stated hereinabove, it appears that now for Mango Notified Area there is adequate water supply facility available. New water connections are also being given by the respondents. Thus, those who have applied have also been given the new water connection, The respondents have also taken care of increase of population upto the year 2025. Most of the distribution of water has already been completed and remaining sub line will be completed in November, 2013.

4. In view of these facts, we see no reason to further monitor the distribution of the water in Mango Notified Area. We direct the respondents to supply the water to the public, who are residing within Mango Notified Area sufficiently and those, who applied for new water connect shall also be given new connection and the work which is yet to be completed as stated in the affidavit filed by respondents No. 2 dated 1st October, 2013 shall be completed by the end of November, 2013. Similarly, what is stated in affidavit dated 6th September, 2013 by respondent No. 2 shall also be those who are residing in the Mango Notified Area.

5. Counsel for the petitioner at this stage has ventilated grievances about the high tariff rate of water supply. This argument is not entertained by this court in Public interest litigation because this requires to be challenged individually. In

view of this direction, this writ petition is hereby, disposed of. Rest of the prayers are not entertained by this Court.