
(2014) 12 RAJ CK 0004

In the Rajasthan High Court

Case No : . Public Interest Litigation Petition No. 17891 of 2012

B.R. Rana

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 02-12-2014

Acts Referred:

Constitution of India, 1950 — Article 21

Citation : (2015) 3 CDR 1140

Hon'ble Judges : Sunil Ambwani, Acting C.J.;J.K. Ranka, J

Bench : Division Bench

Advocate : Saurabh Saraswat, Dy. Govt. Counsel, Harish C. Kandpal, Addl. Govt. Counsel on behalf of G.S. Gill, AAG, Advocate for the Respondent;

Final Decision : Disposed off

Judgement

1. This is the third writ petition filed in public interest by the petitioner for providing water to Village Hardi, Tehsil Bassi, District Jaipur. The petitioner appearing in person has fairly admitted that now after persistent efforts made by him, the Public Health & Engineering Department (PHED), has made the potable water available by pipeline to the village, and that, 14 public stand posts have been installed for the need of water for 1753 villagers, living in about 150 houses. The petitioner however, submits that neither the village panchayat, nor the villagers are in a position to maintain the pipeline and public stand posts. He has requested for a direction to the Public Health & Engineering Department to provide for maintenance of water pipeline, and to establish and install a proper water distribution system, so that the water reaches individual homes. He submits that in the absence of the proper distribution system, the pipelines are being broken at various places, and that, the villagers are unable to maintain it.

2. Learned counsel appearing for the Public Health & Engineering Department submits that though it was not feasible, the water has been made available, under the Swajaldhara Yojana, after laying down 2000 metres of pipeline, for which 14 Public Stand Posts have been constructed, in July 2014. It is submitted

that under the scheme, sufficient funds are not available for water distribution system to be installed for the water taps in each house. A reservoir has been constructed on a hilltop near the village, from which regular water supply is ensured to the village.

3. We find that due to the efforts made by the petitioner appearing in person, the water has now been made available to the village. The distribution of water is still an issue, which has to be resolved by the Public Health & Engineering Department.

4. The availability of water, by itself brought up the village, is not sufficient, unless water is made available in each house, for proper and rational consumption. The residents of the village have a right to receive adequate and regular supply of potable water, which is included in the fundamental right to life guaranteed under Article 21 of the Constitution of India. This right includes a fair, equitable and rational distribution of potable water through proper distribution system, to be installed in each house, on a reasonable charge for consumption of water. We therefore, dispose of this writ petition, with direction to the State Government and the Public Health & Engineering Department, to consider the issues raised by the petitioner for an appropriate water distribution system to be installed for the potable water to reach the houses of residents, and to resolve the same, as expeditiously as possible. We make it clear that it is the responsibility of the State Government to provide fresh and safe drinking water to all the citizens, and that, any expenditure borne, for making such facility available, must come out of the public exchequer. The Writ Petition is accordingly disposed of.