
(2013) 03 J&K CK 0002
In the Jammu And Kashmir High Court
Case No : WPIL No. 853 of 2003

Channi Himmat Residents Asso.	Vs	APPELLANT
State of Jammu & Kashmir and Others		RESPONDENT

Date of Decision : 06-03-2013

Acts Referred:

Citation : (2013) 03 J&K CK 0002

Hon'ble Judges : M.M. Kumar, C.J; Mansoor Ahmad Mir, J

Bench : Division Bench

Judgement

M.M. Kumar, C.J.—The instant petition in Public Interest has been filed for issuance of direction to the respondents-State and its Officers

to maintain regular and sufficient supply of water to the residents of Housing Colony known as Channi Himmat Housing Colony. Their claim in the

petition is that there was an agreement between the Managing Director, J & K Housing Board and the Chief Engineer, Public Health Engineering

(respondent no. 5 and respondent No. 3) for a consideration of Rs. 123.46 lacs to design, lay, create and construct required infrastructure and

ensure regular and uninterrupted supply of 7.5 lacs gallons of water per day to their colony which comprised of 3500 plots. The amount of Rs.

123.46 lacs had already been received by the Chief Engineer, Public Health Engineering-respondent no. 3, which is evident from the Minutes of

Meeting held between the representative of the petitioner, representative of the Minister for Housing and Urban Development and attended by

heads of various departments-respondent Nos. 3, 4 and 5 (Annexure-A). It is also evident from the Minutes of Meeting that the Minister for

Housing and Urban Development directed the Chief Engineer to ensure supply of

7.50 lacs gallon water for which funds already stands advanced

by the Housing Board. The aforesaid direction was necessitated because the amount of Rs. 123.46 lacs paid to the PHE Department was partially

used for supply of water to unauthorized area other than Channi Himmat Housing Colony and the amount was required to be spent by the PHE

Department out of their own resources. The Chief Engineer was also to explore the possibility of digging a tube well for the residents of the colony

to augment the water supply. On 09.12.2004 a supplementary affidavit was also filed by the Superintendent Engineer, PHE Mechanical, Urban

Circle, Jammu stating that an amount of Rs. 122.40 lac was received by PHE Water Supply Master Plan Division, Jammu and PHE (Mech)

Division, Jammu from the Housing Board to execute the infrastructure work for supply of water which did not include any amount for tapping the

water source. In para it is revealed that in the year 2004, 5.70 lac gallons of water was being supplied to the residents of the colony which was

short by 2.95 lac gallons per day. The affidavit further indicated that the supply could be augmented either after the completion of Boria Filtration

Plant or in the alternative drilling a new Tube Well (Water Source) for the supply of water to the inhabitants of the colony. The affidavit was filed

about 7 years back. On 12.11.2012, this Court directed the PHE Mechanical Urban Circle, Jammu to file the latest status.

2. In pursuance of direction issued on 12.11.2012, the Superintendent Engineer, PHE (Mech.) Circle, Jammu has filed the affidavit. In para 3 of

the affidavit break up of expenditure amounting to Rs. 122.40 lac has been given and it has been claimed that 09 lac gallons of water is being

supplied to the residents of the colony per day from existing water sources against the requirement of 8.75 lac gallons per day. According to the

Superintendent of Engineer, there is no short fall of the water to the residents of the colony since 2007 after completion of Boria Filtration Plant. It

has further been stated that no new Bore Well has been drilled for augmenting water supply to Channi Himmat since 2007, however, two new

Tube wells have been proposed by ERA to be drilled in Sector 1 at CPS Channi Himmat and in Sector 2 at Panj Mandir. On completion of these

two additional Tube wells further supply of 2.50 lac gallons of water per day would be increased to the residents of the colony without any extra

cost to be borne either by the Housing Board or the residents of the Colony. The affidavit further disclosed that the Central Pumping station at

Channi Himmat is also functional since 2011, therefore, no grievance would survive which may require adjudication.

3. After the filing of the affidavit on 27.11.2012, the matter has been listed for hearing on 04.12.2012. The petitioner was granted time to file any

counter affidavit vide order dated 04.12.2012. The matter has been adjourned on two subsequent occasions but no affidavit has been filed

controverting the position taken by the Superintendent of PHE(Mech.) Urban Circle, Jammu.

4. We have heard learned counsel for the parties and are of the view that grievance raised by the residents association-petitioner stand redressed

and no further directions are required to be issued in this Public Interest Litigation. Accordingly, this PIL is closed as the basic purpose of filing the

same has been achieved. Disposed of.