

(2006) 05 JH CK 0106

In the Jharkhand High Court

Case No : Writ Petition (PIL) No. 2626 of 2005

Citizen's Cause

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 05-05-2006

Acts Referred:

Citation : AIR 2007 Jhar 15 : (2006) 3 JCR 18

Hon'ble Judges : N. Dhinakar, C.J;S.J. Mukhopadhaya, J

Bench : Division Bench

Advocate : M.S. Anwar, Adv and Altaf Hussain, for the Appellant; A.K. Sinha, General, Bimal Kumar and D. Mishra, for the Respondent

Judgement

1. The parties, including the State, were allowed time on 3rd March, 2006 to address the Court on the following issues:

(i) Whether some regulatory measures can be taken for harvesting the rain water in the existing private/government or other quarters/houses, as may be constructed in future?

(ii) Whether some regulatory measures can be taken to ensure that no tank/pond/reservoir, private or government, is fill up without permission of a competent authority? and

(iii) Whether any regulatory measure can be taken in regard to lifting of ground water?

2. In spite of the specific order, though more than two months have passed, neither any progress has been shown nor the intention of the State has been brought on record. Learned Advocate General only informed that the matter is pending with the State Government for decision, which may be taken at an early date.

3. Having regard to the facts and circumstances and taking into considering the suffering of the public in general, residing in the capital town of Ranchi, the

following orders are passed for the present:

(a) The State Government, local Self Government, all Government Organizations, Public Sector Undertakings, Private Undertakings, Companies and Public in general are directed not to fill up any tank, pond or water reservoir, existing on the government land, private land, Raiyati land or any other kind of land without further order of this Court. If for any emergent situation it becomes necessary to fill up any tank, pond, water reservoir, the Government or the person concerned may ask for permission from the Drinking Water and Sanitation. Department, Government of Jharkhand, Ranchi, showing reasons and emergency for filling up the tank, pond etc. In such case, the State Government from its Drinking Water & Sanitation Department, Ranchi, after enquiry, may submit a report before this Court for permission and on receipt of the same, may grant approval. But such permission should not be granted in a routine manner, except in the case of public hazard.

(b) The State Government or its competent authority will take a decision to take regulatory measures in regard to lifting of ground water. In the meantime, the State Government; Ranchi Regional Development Authority, Ranchi; Ranchi Municipal Corporation, Ranchi or any other competent authority will not pass any map for construction of high-rise multi-storied building, more than four floors or any high-rise multi-storied building, having more than 20 flats in one unit, if the owner or builder or the person has sought to construct such high-rise multi-storied building or a unit of flat, consisting more than 20 flats, showing supply of water by lifting ground water.

(c) This ban will not be applicable in the cases where the maps have already been sanctioned till date or the building, as may be constructed outside the Ranchi township area.

This direction has been given taking into consideration the fact and submission, as made, that the ground water level in the Ranchi city and down has gone down and there is a scarcity of water during the summer season in the Ranchi Township.

(d) Before sanctioning any building plan/map for a new building/house/multi-storied building/flat, the State Government; Ranchi Regional Development Authority, Ranchi; Ranchi Municipal Corporation, Ranchi or any other competent authority will decide whether applicant(s) should be asked to make proper arrangement for harvesting the rain water in the adjoining area of the building/house/multi-storied building/flats and will pass specific order in this regard.

4. The Ranchi Regional Development Authority, Ranchi is directed to communicate the present order of this Court to the public in general by publishing notices at least in four newspapers i.e. two English (Ranchi Edition) and two Hindi (Ranchi Edition).

5. The State Government; Ranchi Regional Development Authority, Ranchi and

other competent authorities are directed to file progress report, showing regulatory measures, as may be taken by one or the other and they will also file the Action Taken Report by the next date.

6. List this case for further hearing under the heading "for orders" on 23rd June, 2006 at the top of the list.

7. Let a copy of this order be handed over to the learned Counsel for the parties.