

(2004) 10 DEL CK 0133

In the Delhi High Court

Case No : Writ Petition (C) No's. 8577 and 12406 of 2004

Daya Tekwani

APPELLANT

Vs

Delhi Jal Board

RESPONDENT

Date of Decision : 27-10-2004

Acts Referred:

Constitution of India, 1950 — Article 14, 21

Citation : (2005) 120 DLT 438

Hon'ble Judges : C.K. Mahajan, J

Bench : Single Bench

Advocate : Ashok Agarwal, for the Appellant; Sadhna Sharma, for the Respondent

Judgement

C.K. Mahajan, J.

Rule.

With the consent of the parties, I proposed to dispose of the present petition.

Heard.

1. The petitioner seeks a direction to the respondent to provide water connection to the premises of the petitioner.

2. The petitioner applied for a water connect on in June 2004. The application was rejected. The petitioner contends that the action of the respondent in denying water connection to the petitioner is violative of Articles 14 and 21 of the Constitution of India.

3. The respondent opposed the petition stating that the flats and apartments were constructed without approval of sanctioned plans. In view of scarcity of water in Delhi, if water connections are given to these unplanned apartments, the supply of water would become more acute.

4. The petitioner resides on the ground floor of the premises. The building is four-

storeyed. The respondent has provided two water connections in the same building. These facts are not denied by learned Counsel for the respondent. Learned Counsel, however, states that water connection to one of the floors was granted under orders of this Court, subject to furnishing of affidavit and other documents.

5. The action of the respondent in providing water connection to one person and denying it to the other person in the same colony, and that too in the same building, only on the ground that petitioner's flat has been constructed without any sanctioned plan or that no Scheme has been submitted to the Delhi Jal Board for approval or that there is scarcity of water is arbitrary, unjustified, discriminatory.

6. In the aforesaid circumstances, the respondent is directed to provide water connection to the petitioner forthwith, subject to completion of usual formalities and furnishing of an affidavit, a copy of which has been supplied by Counsel for the respondent to Counsel for the petitioner.

7. This order is being passed in the peculiar facts and circumstances of the present case and shall not be treated as a precedent:

The petition stands disposed of.