

**(2022) 07 UK CK 0125**

**In the Uttarakhand High Court**

**Case No : Writ Petition (M/S) No. 1741 Of 2022**

Digvijay Singh And Others

APPELLANT

Vs

Uttarakhand Jal Sansthan And Others

RESPONDENT

**Date of Decision : 25-07-2022**

**Acts Referred:**

Constitution Of India, 1950 — Article 21

**Citation : (2022) 07 UK CK 0125**

**Hon'ble Judges : Sanjaya Kumar Mishra, J**

**Bench : Single Bench**

**Advocate : Abhijay Negi, Rakesh Thapaliyal, Xitij Kaushik, T.S. Phartyal**

**Final Decision : Disposed Of**

## Judgement

Sanjaya Kumar Mishra, J

1. Having heard learned counsel Mr. Abhijay Negi and Mr. Rakesh Thapaliyal, appearing for the Jal Sansthan and learned counsel for the State, this Court is of the opinion that there is no need to issue notice in this matter and it can be disposed of at this stage of fresh admission.

2. The petitioners have prayed for issuing a writ of mandamus commanding the respondents to ensure that water supply to the residents of LA City, Dehradun, is uninterrupted and through the public water source of Uttarakhand Jal Sansthan.

3. This Court took note of clause 17 of the permission where the residents/allottees of plots by the respondent no. 3, i.e., the Builder are under the obligation to make arrangement for their own water supply to their houses at their own costs as per the approved map. The dispute arose when the petitioner approached the Jal Sansthan i.e. respondent no.1. The Officer of the Jal Sansthan demanded 'No Objection Certificate' from the Builder and as there is a dispute going on between the Builder and the petitioners regarding certain aspects relating to maintenance of the premises, the Director of the Land Infrastructures Ltd., has not granted any "No Objection Certificate" for giving

water supply connection to the residents of the colony in question.

4. The learned Senior Counsel appearing on behalf of respondent no.1 submits that the petitioners have never applied to the Jal Sansthan for the connection of the water supply. A fact, which is disputed by the Jal Sansthan. This Court is of the opinion that the right to avail the water supply, on payment of the usual charges is a right spring from the fundamental right to life as enshrined under Article 21 of the Constitution. The Jal Sansthan cannot deny, on payment of usual charges, to supply water to the residents of Dehradun.

5. In that view of the matter, the writ application is disposed of with a liberty to the petitioners to make an application before the Jal Sansthan within a stipulated period of seven days by making fee deposits as required under the U.P. Water Supply and Sewerage Act, 1975 and if there is no other impediment except the issuance of No Objection by the respondent no.3, the respondent no.1 shall provide water connections to the petitioners and senior citizen persons of that campus within seven days and, thereafter if there is no other legal impediment. If there is any other legal impediment the respondents may require the same to be removed. In case, the respondent no.4 or any of its employee creates disturbance then the respondent no.1 is at liberty to bring this matter to the Station House Officer of the PS concerned having jurisdiction and on such a situation the Station House Officer of the PS concerned shall take action immediately and make arrangement for protection of the employees of Jal Sansthan at the time of giving connections of water supplies to the petitioners.

6. The writ application stands disposed of.