
(2000) 05 AHC CK 0152
In the Allahabad High Court
Case No : C.M.W.P. No. 16424 of 1995

Diwan Singh and another	Vs	APPELLANT
Sub Divisional Magistrate, Almora and others		RESPONDENT

Date of Decision : 04-05-2000

Acts Referred:

Constitution of India, 1950 — Article 21

Citation : (2000) 3 AWC 1988 : (2000) AWC 1988 : (2000) 2 UPLBEC 1478

Hon'ble Judges : Lakshmi Bihari, J; Binood Kumar Roy, J

Bench : Division Bench

Advocate : S. Naithani, L.P. Naithani and Piyush Shukla, for the Appellant; S.C., S.J. Yadav and R. Dhobwal, for the Respondent

Final Decision : Disposed Of

Judgement

Binod Kumar Roy and Lakshmi Bihari, JJ.—The petitioner No. 1 is resident of village Pangchora, Tehsfl Bagheshwar in the district of Almora. Petitioner No. 2 is a Society, named, Protection of Peya Jal Samiti, Kanda, Bagheshwar. Both of them are aggrieved against the order dated 28.12.1993, passed by the Sub Divisional Magistrate, Bagheshwar (respondent No. 1), In A. M. Jal Prakaran Suit No. 131 of 1992-93 (as contained in Annexure-C.A. "1") and pray not to implement the said order, and to command the Sub Divisional Magistrate. Bagheshwar (respondent No. 1) to resolve the dispute, raised by the petitioners and the affected persons after hearing them.

2. Having heard Shri L. P. Nalthani, learned senior counsel appearing on behalf of the writ petitioners. Shri Rajendra Dhobwal, learned counsel appearing on behalf of respondent No. 5, Gaon Sabha, Jethai, Shri H. R. Mishra, learned standing counsel appearing on behalf of respondent Nos. 1 and 2, and Shri Sabha Jeet Yadav, learned standing counsel appearing on behalf of respondent No. 4, it transpires to us that there appears to be an extremely unfortunate dispute amongst the villagers of village Jethai and Pangchora in regard to supply of water. It Is claimed by one or the other that the water should be supplied to one

to the exclusion to the other. The stand taken by Shri H. R. Mishra as well as Shri Yadav on behalf of respondent Nos. 1, 2 and 4 is that water is supplied now to both villages through two different projects and necessary orders have been passed by the respondent No. 1.

3. Article 21 of the Constitution of India guarantees right to life to the citizens as well as non-citizens of this country. The phrase "the right to life" has been explained by the Hon"ble Supreme Court repeatedly to mean "meaningful life". No one can conceive survival of the human being and of even animals without water. In ensuring supply of water to both villages, we are of the view that the constitutional mandate, enshrined in Article 21 of the Constitution of India, Is being followed which is the avowed duty of the State and its officials under the Constitutional Ethos and Philosophy. The orders to the contrary, if any, stand automatically modified by our aforementioned declaration of law and passing of this order.

4. Accordingly, we dispose of this writ petition with this direction to the State and its authorities, including respondent Nos. 1 2 and 4, to continue providing water to both villages and to take stringent steps if anyone tries/attempts to stop flow of water to either of the two villages.

5. In the peculiar facts and circumstances, we make no order as to cost.

6. The office is directed to hand over a copy of this order, each to Shri H. R. Mishra as well as Shri Sabha Jeet Yadav, both learned standing counsel, for its intimation to and follow up action by the appropriate authorities concerned.