
(2022) 02 RAJ CK 0123

In the Rajasthan High Court

Case No : D.B. Civil Writ Petition No. 20389 Of 2018

Harlal

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 16-02-2022

Acts Referred:

Citation : (2022) 02 RAJ CK 0123

Hon'ble Judges : Akil Kureshi, CJ;Manoj Kumar Vyas, J

Bench : Division Bench

Advocate : Vijay Singh Yadav, Prateek Singh, Sheetal Mirdha

Final Decision : Disposed Of

Judgement

This petition in the nature of public interest litigation has been filed with a prayer for direction to the respondents to utilize the water from the reservoir of Gopalpura medium irrigation project only for rabi season and not for kharif crop season. The prayer is also made to ensure that unauthorized or illegal draws of water from the reservoir or the canals is stopped.

Learned counsel for the petitioner submitted that the petitioner represents a cause of the villagers who are at the far end of the dam and on account of the government policies and uncontrolled illegal drawl of water no supply reaches these villages either for irrigation and even for drinking purpose.

The respondents have appeared and filed a reply in which it is stated inter-alia that the dam was constructed for the purpose of collecting rain water and provide irrigation facilities to 5458 hectares of land in 33 villages of the area. The total capacity of the dam is 32.63 MQM and the water retention capacity of the dam is 32.01 MQM. The distribution of water is being done for optimum utilization of the water and with understanding arrived at between the farmers through negotiations. Further details of the decision making process for distribution of such water through different irrigation seasons in consultation with the local farmers is also narrated in the reply.

From the pleadings on record it can be seen that the question of distribution of water to the farmers for irrigation in different crop seasons is essentially an administrative function. The Court would not enter into such executive functions. It is for the administration to decide on the basis of ground realities what is in the best interest of the populace of the region. No directions for distribution of water in a particular manner can be given. Needless to observe if there is any unauthorized withdrawal of the water it is a duty of the administration to check the same.

With these observations the petition stands disposed of.