
(2012) 01 JH CK 0070

In the Jharkhand High Court

Case No : Writ Petition (PIL) No. 4663 of 2009

Hemendra Pratap Dehati

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 31-01-2012

Acts Referred:

Citation : (2012) 01 JH CK 0070

Hon'ble Judges : Prakash Tatia, J; P.P. Bhatt, J

Bench : Division Bench

Judgement

1. Heard learned counsel for the parties and perused the counter affidavit submitted on behalf of respondent-Water Resources Department, which has been tiled in response to this Court's Order dated 28.11.2011, wherein, four specific questions were put to the State because of the reasons that for one Water Supply project for one District of the State of Jharkhand, the Government has spent millions of rupees by paying salaries to its officers and consumed more than 36 years and now after going through this counter affidavit submitted in this Court on 12th December 2011, we are of the considered opinion that the State has raised its hands which appears to be without there being any bona fide reasons. Every State must have ability to do the work of public importance and the State Government has admitted: in this counter affidavit that now every thing will be done by none of the persons of the State Government, it is having its own Water Resources department, which appears to be doing nothing and every tiling will be now done by the Central Water Commission (for short CWC) and the amount of Rs. 35.80 lacs lias been paid to the CWC. The learned counsel for the CWC submitted that the CWC accepted to proceed in this matter and proceeding to prepare a feasibility report, which may take three months time and after having feasibility, report any further action can he taken and suggestion can be given, whether it is desirable to construct the Barrage for water supply to Garhwa District of the State of Jharkhand. We, at the request, may repeat here that the State Government's own project started in the year 1974 and till now after spending million of rupees and more than 36 years now the State will get

the knowledge by outsourcing the work of finding but the feasibility of the project. Learned counsel for the writ petitioner drew, our attention to the detailed rejoinder filed by the writ petitioner to the counter affidavit of respondent No. 4 dated 17th October, 2011 and according to the learned counsel for the writ petitioner, at least ten times detailed project reports were prepared by the State Government and it is submitted that as per the information to the writ petitioner, the CWC normally is not undertaking the job which has been assigned by the State of Jharkhand to the CWC and normally the State Government itself examined the feasibility and prepared the detailed project report and CWC normally gives full financial assistance for completion of the project. Only CWC helps in getting the financial assistance by the Government of India and normally the financial assistance is provided by the Government of India to the project approved by CWC. Not only this, the write petitioner has placed on record an information obtained by him from the Government of Jharkhand indicating that on earlier occasions ten projects were approved by the, CWC and that all the financial help was given by the Government of India on the recommendation of the CWC.

2. Be that as it may, we have already observed in our judgments/orders passed on earlier occasions that the State has raised its hands and that appears to be, because of the reasons of only lack of their determination and we have now reasons to believe that the inaction of the State Government is deliberate and that the work done by the writ petitioner in bringing on record the relevant facts before the court must have annoyed the Government itself. However, since the State is not in a position to do anything for this project, we may wait for the feasibility report, which may be prepared by CWC for which, the CWC has sought time of three months, therefore, the CWC may submit the feasibility report on or before 27th March, 2012. After submission of the feasibility report, the Court may consider to constitute a High Level Committee for the purpose of monitoring the project because the State Officers failed to perform their duties for such a very long period and deprived the public of the district of Garhwa from the beneficial project as well as deprived the entire State from the Central Government fund. CWC is expected to take special care in view of our observations made above.

3. Put up this case on 27th March, 2012. Let a copy of this order be given to the learned counsels for the parties.