
(2011) 06 JH CK 0116

In the Jharkhand High Court

Case No : Writ Petition (P.I.L.) No. 4663 of 2009

Hemendra Pratap Dehati

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 27-06-2011

Acts Referred:

Citation : (2011) 06 JH CK 0116

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

Bench : Division Bench

Judgement

1. The Principal Secretary, Water Resources Department, Government of Jharkhand alongwith learned Advocate General appeared before this Court and after taking instructions from the Principal Secretary, Water Resources Department, the learned Advocate General stated that day before yesterday only, the decision to not to go for the dam has been approved by the Hon'ble Chief Minister of the State of Jharkhand. However, that decision is subject to approval by the Cabinet.

2. On 19.05.2011, we passed a detailed order and we are constrained to observe that to bring the Government's decision to this level, 36 years have already been wasted by the total inaction of the officers working in the Government and even after entertaining this writ petition by this Court in the year 2009 and even after passing several orders only, it was projected that the Government is working and ultimately it has been projected that there is an involvement of the State of Chhatisgarh. The Minutes of the Committee dated 12.05.2011 was taken note of by this Court in detail in the order dated 19.05.2011 and this Court observed that if we go by the Minutes of the meeting dated 12.05.2011, then it appears that nothing was done by the officers of the Government and particularly the engineers who were given this task to work out whether it is appropriate to construct dam or barrage much less to act upon the decision in a matter where the Government itself was of the opinion that dam is necessary over the river Kanhar and that decision was taken in the year 1974 and this decision was taken

to provide the drinking water to the residents of Garhwa district.

3. Be that as it may, now some concrete decision, though not attained the finality, has been taken by the Government at particular level, therefore, we would like to put questions to the Government to explain whether dam is beneficial to the public of the State of Jharkhand and whether simply denial of the benefit of the dam to the people of Jharkhand because of the reason that some issues are required to be settled with the State of Chhatisgarh, it is appropriate to drop the decision to construct the dam against the interest of the public of Jharkhand and if it is not feasible to construct the dam as per the policy decision of the State Government, they may make it clear.

4. In case, the Government decision is to construct a barrage in place of the dam, then the Government may state the total period within which the barrage will be constructed, the total cost which is likely to incur and the total benefit which will be generated because of the construction of the barrage in the matter of providing drinking water and other benefits to the public.

5. The above questions be answered by the State and the matter be taken with the appropriate spirit by the Government.

6. Put up on 29.08.2011, on that day the Principal Secretary, Water Resources Department, Government of Jharkhand, is not required to be physically present in the Court.