

(2013) 01 JH CK 0175

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 : 18-01-2013

Acts Referred:

Citation : (2013) 2 JLJR 52

Hon'ble Judges : S. Chandrashekhar, J; Narendra Nath Tiwari, J

Bench : Division Bench

Advocate : Mahesh Tewari, for the Appellant; Mokhtar Khan, for the Respondent

Judgement

1. The State of Jharkhand, Central Water Commission and the petitioner have submitted the list of the proposed persons for nomination as Members of the High Power Committee to be constituted for suggesting a concrete plan on the proposal of tapping water from Kanhar river for the purpose of providing irrigation facility and drinking water to one of the severely drought affected areas of the country. According to a report, the area has been a chronic sufferer from famine, drought and scarcity conditions. It was hit by drought and famine eight times in twelve years, causing death of large number of persons and cattle. The people had ray of hope after the independence, but nothing concrete has been done to provide perennial irrigation facilities and drinking water supply even after passage of more than six decades. The sources reveal that about twenty thousand acres of land of Palamu Division, where livelihood of the most of the people is cultivation, is unirrigated. The State Government, in its endeavour, had conceived a plan to construct a dam on the Kanhar river long back in 1974. Special Division for the purpose was constituted in the year 1974 and an office was established at Garhwa. It has been reported that Rs. 75 Crores has been spent on getting project report etc. but nothing concrete has been done so far.

2. Considering the said facts, this Court had asked the State Government, Central Water Commission and the petitioner to suggest names of the persons for the purpose of constituting a Committee to prepare a feasible plan/project to

tap water of Kanhar river for the purpose of providing irrigation facilities/drinking water to the people of that part of the Palamau Division.

3. The parties separately suggested the names of the members for constituting a High Power Committee. However, they have agreed on the names which are mentioned hereinafter. Accordingly, a High Power Committee to be headed by a retired Judge of this Court is constituted of the following officials/expert advisers of the field with the consent of the parties:--

Officials

(1) Principal Secretary, Water Resources Department, Government of Jharkhand, Ranchi--(Coordinator);

(2) Chief Engineer, tower Ganga Basin Organization, Central Water Commission, New Delhi;

(3) Member to be nominated by the Chief Secretary, Chhatisgarh;

(4) Engineer In-Chief, Water Resources Department, Government of Jharkhand, Ranchi;

(5) Executive Engineer, Water Resources Department, Kanhar Special Division, Government of Jharkhand, Ranchi;

(6) Superintending Engineer, Design, Planning and Monitoring Circle, Ranchi.

Expert Advisers of the field

(1) Shri Indar Singh Namdhari, Member of Parliament;

(2) Shri Hemendra Pratap Dehati, petitioner;

(3) Shri C.D. Singh, Advocate, Jharkhand High Court.

4. The Chairman of the Committee shall be a retired Judge of this Court to be nominated by Hon"ble the Chief Justice of this Court.

5. The Principal Secretary, Water Resources Department, Government of Jharkhand shall be the Co-ordinator of the Committee.

6. The State Government shall provide the required facilities for proper working of the Committee and shall allocate sufficient fund for the same within two weeks from the date of Gazette publication notifying constitution of the Committee, to be requisitioned by the Co-ordinator, on his initial estimate.

7. The Chairman and the respective Members shall be entitled to get their T.A., D.A. and other allowances according to the post/position earlier or at present held by them. The Members, who have not held or are not holding any public or Government post/position, shall be given the facilities and allowances, etc. admissible to the Co-ordinator.

8. Let a copy of the order be placed before Hon"ble the Chief Justice for

nominating a retired Judge of this Court to head the Committee as its Chairman.

9. As soon as the Chairman is nominated by Hon"ble the Chief Justice, the Water Resources Department shall issue a notification to be published in the official Gazette regarding the constitution of the Committee and other details.

10. In case of any difficulty, the Committee or any Member of the Committee shall be at liberty to approach this Court for appropriate order(s).

11. We expect from the Committee to submit its report to this Court within three months from the date of Gazette notification of constitution of the Committee.

12. Put up this case on 18th March, 2013. On that date, the Co-ordinator/parties shall place the progress report. Let a copy of this order be handed over to learned counsel for the parties and the members of the Committee alongwith all the earlier effective orders passed by this Court in the matter for their use and reference.