
(2020) 08 UK CK 0017

In the Uttarakhand High Court

Case No : Writ Petition (PIL) No. 49, 69 Of 2009

Kamal N. Tripathi And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 17-08-2020

Acts Referred:

Citation : (2020) 08 UK CK 0017

Hon'ble Judges : Ravindra Maithani, J; Narayan Singh Dhanik, J

Bench : Division Bench

Advocate : Vipul Sharma, M.C. Pande, Pradeep Joshi, Rakesh Thapliyal

Final Decision : Disposed Of

Judgement

Ravi Malimath, J

1. On an application being made by Shri Kubar Singh Dangwal to Honâ??ble the Chief Justice of Uttarakhand High Court regarding scarcity of

drinking water in Uttarakhand and supply of contaminated and unhygienic drinking water by the departments concerned, a suo motu Public Interest

Litigation was initiated in Writ Petition (PIL) No. 69 of 2009.

2. Since the subject matter and facts involved in Writ Petition (PIL) No. 69 of 2009 are similar to the one in Writ Petition (PIL) No. 49 of 2009, the

facts in Writ Petition (PIL) No. 49 of 2009 are considered.

3. Writ Petition (PIL) No. 49 of 2009 is filed in public interest seeking for a writ of mandamus directing the respondents to take effective steps for

providing safe drinking water to the residents of Nainital and consequential reliefs.

4. The State Government, the Uttarakhand Jal Sansthan, Uttarakhand Pey Jal Nigam Ltd, District Magistrate, Nainital, Nagar Palika Parishad,

Nainital, Lake Development Authority, Nainital, Irrigation Department and Public Works Department were arrayed as respondents. They have filed

their counter affidavits. Various directions were issued by this Court.

5. Affidavits as well as counter-affidavits have been filed by the respondents. Ultimately, we have considered the compliance affidavit filed by

respondent no. 2 wherein it is indicated that 215 households were found to have connected rain water disposal with the sewerage system and the

same were disconnected. Yet another 215 households were verified and the process is still going on. 76 more households were identified who had

connected rain water disposal with the sewerage system and they have also been disconnected. It is stated that a survey has been conducted and, in

various other buildings in Nainital including restaurants, hotels, institutions etc, a strict vigil is being maintained to ensure safety and cleanliness of

Nainital city.

6. The detailed compliance affidavit of the District Magistrate, Nainital dated 05.08.2020 has also been considered by us. He has narrated the various

schemes that have been initiated for the said purposes. The drains connecting Naini lake are being regularly cleaned and remedial measures are being

undertaken. It is stated that various projects have been undertaken, which are being carried out by the said respondent as well as the Uttarakhand

Project Development and Construction Corporation Ltd., Government Irrigation Workshop, Roorkee. It is also stated that specific amount of work has

been done to search the buildings, the water lines, Nalas etc. It is further stated that they will continue to ensure providing clean and potable drinking

water to Nainital as well as ensuring that the sewerage lines are properly maintained. Even the problem at Masjid Tiraha has also been attended to by

the concerned respondents. Various other facts have been narrated.

7. On considering the compliance affidavits, as well as the reports filed in this Writ Petition, we are of the considered view that at present the

grievance of the petitioner has since been answered. We are also of the view that the public interest has been specifically answered by the

respondents. Subsequent to the filing of this Writ Petition, various measures have been adopted by the respondents which have ensured a cleaner

Nainital city. The respondents, through their affidavits, have also ensured that they will continue to maintain a strict vigil over the water supply,

sewerage lines, garbage etc, and all that is necessary to maintain Nainital city as a good and clean city.

8. In view of the compliance affidavits, we are of the view that it would not be necessary to continue the present proceedings. Notwithstanding the

assurances made by the respondents, through their affidavits, if the acts of the respondents are found warranting interference, the same may

constitute a separate cause of action. However, we hope and expect that there will be no cause for any other public interest litigation in view of the

assurances made by the respondents through their affidavits filed before this Court.

9. Hence, for all these reasons, the Writ Petitions are disposed off.