

(2008) 04 JH CK 0011
In the Jharkhand High Court

Krishna Chandra Sircar and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 23-04-2008

Acts Referred:

Citation : (2008) 3 JCR 343

Hon'ble Judges : M. Karpaga Vinayagam, C.J;Dabbiru Ganeshrao Patnaik, J

Bench : Division Bench

Judgement

1. Today Government has filed an affidavit with regard to the possibility for increasing water supply in Harmu Housing Colony, Paragraph Nos. 5 and 6 thereof being apposite are reproduced below:

5. That it is further stated and submitted that at present water supply in Harmu Housing Colony, Ranchi, can be further augmented through the installation of few Hand Pumps as Your Lordships may direct.

6. That it is also further submitted that Ranchi Municipal Corporation has prepared a detailed project report of water supply scheme for entire Ranchi Municipal area including Harmu Housing Colony. The scheme has been submitted to the Ministry of Urban Development, Govt. of India, for approval under Central sponsored scheme, JNNURM. The Central Sanctioning and Monitoring Committee (CSMC) of Ministry of Urban Development, Govt. of India, has in principle approved the scheme with a condition that the scheme shall be once again presented before CSMC after getting recommendation from the Board of elected representative of Ranchi Municipal Corporation.

2. Paragraph No. 5 of the affidavit indicates that short term measure can be taken by installing Hand Pumps in the Harmu Housing Colony area to meet the immediate need of the people for water and that the Government wants necessary direction from this Court regarding installation of number of Hand Pumps in the area.

3. In paragraph 6 of the affidavit, it is stated that Ranchi Municipal Corporation

has prepared a detailed project report regarding water supply scheme for entire Ranchi Municipal area including Harmu Housing Colony and that the Scheme has already been submitted to the Ministry of Urban Development, Government of India, for approval and the Central Sanctioning and Monitoring Committee (CSMC) has approved the scheme with a condition that the Scheme shall be once again presented before CSMC getting recommendation from the Board of elected representatives of Ranchi Municipal Corporation.

4. So in view of the specific statement made by the Government in the affidavit, it would be appropriate to direct the Government to take steps for immediate installation of 25-50 Hand Pumps, which must be installed without any further delay and to identify the places of installation with consultation with the Housing Board. As far as the scheme referred to in paragraph No. 6 of the affidavit is concerned, immediate steps are to be taken for presentation of the scheme before CSMC after getting recommendation from the Board of elected representatives of Ranchi Municipal Corporation. Accordingly ordered.

5. A joint petition has been filed both by the petitioners as well as by the respondent No. 7 mentioning that there was a meeting held on 17.4.2008 in an amicable environment in the house of Mr. P.K. Prasad, Advocate appearing for respondent No. 7, and in presence of Mr. Rajiv Ranjan, counsel appearing for the petitioners. They had mutual discussion among them and Mr. B.P. Sinha, who earlier wrote letter to respondent No. 7 shook hands with the father of respondent No. 7 and expressed his apology and hand-over an apology letter addressed to respondent No. 7. They had also decided in the meeting to request this Court for issuance of direction to the Government for augmentation of water supply in the area by constructing a sump and a overhead water tower with a provision of a very deep bore well without affecting the underground water table in the area.

6. We do not wish to issue such a direction, in view of the fact that we have given direction to the Government as per the statements made in paragraph Nos. 5 and 6 of the affidavit filed by the Government today.

7. As indicated in the earlier orders, we felt that this PIL was entertained on the basis of the incorrect particulars furnished by the petitioners and we expressed our displeasure over the conduct of the petitioners and also decided to impose heavy cost therefor. As a matter of fact, we thought that the cost imposed could be utilized for the Water Welfare Scheme. But as CSMC, Government of India, has approved the Scheme, the Government can very well bear the entire expenditure to be incurred for the Scheme. Therefore, we deem it appropriate to direct the petitioners to pay cost of Rs. 1 lac (Rs. one lac only) to Deepshikha at Ranchi within 15 days from today.

8. We hope that there will be continued congenial and peaceful atmosphere among the parties.

9. With these observations and directions, this PIL is disposed of. Let copies of

this order be given to the counsel appearing for the parties.