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**(2011) 11 JH CK 0095**

**In the Jharkhand High Court**

**Case No : Writ Petition (PIL) No. 1479 of 2008**

Mita Pandey

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

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**Date of Decision : 16-11-2011**

**Acts Referred:**

**Citation : (2011) 11 JH CK 0095**

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

**Bench : Division Bench**

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## **Judgement**

1. We have perused the supplementary counter affidavit dated 8th November, 2011 filed by the State as well as the affidavit filed by the Jharkhand State Electricity Board. We have also perused the Annexures, annexed with these affidavits.

2. We are of the considered opinion that there was a scheme namely, Pakur Urban Water Supply Scheme costing a sum of Rs. 4076.38 lakhs, sanctioned by the Urban Development Department on 26th March, 2011 and we found that some land was needed in the area of West Bengal, for which, the Government of West Bengal vide Annexure-B, annexed with the supplementary counter affidavit dated 8th November, 2011, has stated that for laying down the pipelines, there is no need to acquire land and just permission for the same is required.

3. In view of the above fact that there is no hurdle with respect to laying down of the pipelines, the Jharkhand State Electricity Board submitted that they are in position to give adequate power supply for running the pumps for the water supply and they are not interested in any agreement with the Government of West Bengal. The contract of State Electricity Board has not renewed by the State of West Bengal.

4. Be that as it may be, the State Government is directed to file an affidavit clearly stating that by what time they will complete this project of public importance after considering all the facts afresh because of the reason that

financial sanction of more than Rs. 5,000/- lakhs has been granted and the Electricity Board is adequate to supply the electricity. The West Bengal Government has opined that no land acquisition is needed for laying down the pipe lines. Then we want to know why expeditiously this project cannot be completed. The State may also clarify when the West Bengal Government has stated that for the purpose of laying down the pipe line no land is required and only permission is required, under what circumstance the Pakur Municipal Board has opined that the land will be required to be acquired from the part of the State of West Bengal. There is contradiction in two documents, which may also be examined by the State Government and position may be clarified.

5. Put up these matters on 12th December, 2011.

6. Copy of this order may be given to the learned counsel for the State and Jharkhand State Electricity Board.