

(2008) 01 KAR CK 0058

In the Karnataka High Court

Case No : Writ Petition No. 18696 of 2007

Nandi Infrastructure Corridor Enterprise Ltd. and Nandi
Economic Corridor Enterprise Ltd.

APPELLANT

Vs

The Bangalore Water Supply and Sewerage Board and Others

RESPONDENT

Date of Decision : 27-01-2008

Acts Referred:

Bangalore Water Supply and Sewerage Act, 1964 — Section 29

Citation : (2008) ILR (Kar) 1933 : (2008) 5 KarLJ 583

Hon'ble Judges : Anand Byrareddy, J

Bench : Single Bench

Advocate : Dushyant Dave, for King and Partridge, for the Appellant; S.N. Keshava Murthy, for the Respondent

Judgement

Anand Byrareddy, J.—Heard the Counsel for the petitioners and the

2. The facts of the case are as follows:

The petitioner No. 1 had entered into a Frank-work Agreement dated 3 4 1997 with the Government of Karnataka for the construction of a project known as Bangalore-Mysore Infrastructure Conidor Project (BMIC Project) inter alia comprising a 111 kilometre Four-Lane express way between Bangalore and Mysore and subsequent Tripartite Agreement dated 9.8.2002 including the second petitioner herein and had undertaken the construction of the Southern Peripheral Road, as a part of the BMIC Project, connecting National Highway-7 (Hosur Road) to "National Highway-4 (Tumkur Road). The Peripheral Rood cuts across Bannerghatta Rood, Kanakapura Road, existing Mysore Road and Magadi Road. The total length of Peripheral Road is 41 kilometres out of which, the petitioners have so far constructed 39.5 kilometres. The petitioners are also constructing a 9.1 kilometre Link road connecting Bangalore City to the proposed Express-way of 111 kilometres, connecting Bangalore and Mysore. There an seven interchanges on the Peripheral Road and one interchange on the Link Road which according to the petitioners are in various stages of completion. These

components are integral part of Bangalore Mysore Infrastructure Corridor Project.

3. The grievance of the petitioner that is sought to be highlighted in the present petition is the inordinate delay on the part of the respondents with regard to shifting or diverting of certain utilities which are clashing with the right of way of the Link Road and the Peripheral Road. In the result, parts of the Link Road and the Peripheral Road have not been completed despite serious attempts of the petitioners calling upon the respondents to carry out the works and for issuance of work orders.

4. In particular, the Counsel for the petitioners would draw attention to the diversion of a 1625mm dia MS transmission line at Uttarahalli-Kengeri Road, near Cfamutaadia Village which crosses across the Link Road at chainage 5428. The Counsel for the petitioners would submit that the Link Road, at this point, has not been completed for a stretch of at least half a kilometre for the sole reason that the said transmission line cuts across the Link Road and has to be diverted on the overbridge already built by the petitioners connecting Uttarahalli-Kengeri Road. The petitioners have requested the second respondent to approve an estimate already prepared in this regard by the Executive Engineer (Maintenance), West and to issue a work order for self executing the work by the petitioners themselves, under the supervision of the respondents, and upon payment of the required ETP charges vide letter dated 29.3.2007.

5. The second respondent by a letter dated 29.6.2007 had forwarded a detailed estimate for the work and had called upon the first petitioner to countersign the estimate and deposit a sum of Rs. 77,10,000/- in order to get the work done by the respondents through its own contractors while indicating that it shall not be permitted to be earned out by the petitioners.

6. The petitioners accordingly, had deposited the said amount as acknowledged by the respondents under a receipt dated 10.10.2007 for the said amount, being the cost of diversion of the above said transmission line. This is one item of works which has hampered the completion of the said road.

7. The second case is the replacement of 270 running metre 600mm dia PSC Pipeline with 270 running metre 600mm dia MS Pipeline at the junction of Peripheral Road at chainage 0.00 and connecting Loop Road towards Electronic City. It is the petitioners' case that the 600mm dia PSC pipeline underneath the ramps are prone to frequent leakage, damaging the ramps at both the entry and exit points from the overbridge at interchange No. 1/7, In order to prevent frequent leakage, it was proposed to replace the pipeline to the extent as aforesaid. The petitioners have paid a sum of Rs 30,69,000/- on 10.10.2007 as per the estimate prepared by the third respondent in terms of his letter dated 27.4.2007 and have also countersigned the said estimate. However the respondents have not taken any further steps to replace the existing pipeline and correspondence having been generated, the position has remained a stalemate.

8. In survey Nos. 17/1,27/1 and 27/2 of Avalahalli Village through which the Link Road passes an underground drainage network is required to be provided. In Pantharapalya village, the sanitary pipeline which presently passes under flue alignment of the Link Road is required to be shifted. The fourth respondent had given clearance for the petitioners to carryout these two items at their own cost subject to payment of ETP charges quantified at Rs. 1,37,762/- and Rs. 82,425/- respectively. These amounts have been paid by the petitioners as on 4.5.2007 and 9.5.2007, respectively. However, the formal work order which was to be issued by the fourth respondent is not forthcoming.

9. In the fourth instance, the petitioner contends that the respondent has laid 600mm dia water supply line parallel to 100 feet Ring Road. However, the said pipeline is yet to be charged with water. In order to construct the over-bridge above the Link Road at the junction of the Bangalore Development Authority's Ring Road and the Link Road near FES College, it is necessary for (he pipeline to be removed temporarily. The petitioners had requested by several letters to permit them to remove the said section of unused and uncharged pipeline for the time being, during the construction of the over-bridge and re-lay the same in the original condition after completion of the over-bridge, which may take a month from the date of commencement of construction. There was no response. Therefore, the project languishes on account of the respondents being unmoved insofar as these four points an concerned where, the project has come to a stand-still on account of the inaction on the pot of the respondents. It is in this background that the present writ petition is filed.

10. The Counsel for the petitioners would point out that the Frank-work Agreement for construction and development of Bangalore Mysore Infrastructure Corridor Project has been a subject matter of several petitions before the Courts, more particularly, in Writ Petition No. 29221/1997, disposed of by this Court by an order dated 21.9.1998 and which was carried before the Supreme Court by way of a SLP and disposed of by the Supreme Court, by an order dated 26.3.1999 and in the case of J.C. Madhuswamy v. State of Karnataka in Writ Petition No. 45386/2004, disposed of by this Court on 3.S.2005 and in State of Karnataka and Another Vs. All India Manufacturers Organization and Others, . This Court as well as the Apex Court have held that there can be no impediment in the execution of the said project.

11. Elaborating on this, the Counsel for the petitioners would submit that the respondents have failed to Mow the unambiguous mandate and direction issued by the Courts especially, in J.C. Madhuswamy's case, supra, to implement the project and therefore, the inaction on the part of the respondents goes against the letter and spirit of the said judgment. Particularly, the respondents having famished the estimate covering the cost of work required to be done in the case of shifting of the utilities and other works to be carried as detailed hereinabove, the respondents have failed to take any steps. The respondents seeking to resile from their earlier commitment results in serious injustice, apart from causing

grove hardship to the public at large and scuttling the completion of the project aforesaid.

12. This Court as well as the Supreme Court having, tone and again, declared that the project is in public interest and that the petitioner have every right to execute the project and the components thereof, it would follow that the respondents have a duty cast on them to act in tandem with the petitioners in executing the project notwithstanding, the hurdles that required to be taken in stride. The respondents seeking to procrastinate on the ground that the shifting of the utilities, as aforesaid, would result in hardship is hardly a ground that can be raised at a point of time when the petitioners have completed the project, though such an objection ought to have been taken at the inception before giving the petitioner the go-ahead insofar as, the approved plan and the project which has now come to a head and therefore, has sought for appropriate directions insofar as the- several works, detailed hereinabove, to be executed.

13. Per contra, the respondents who have entered appearance through Counsel in their statement of objection; have contended that the respondents are not parties to the Court proceedings which have been referred to and the directions that may have been issued by this Court as well as by the Supreme Court insofar as the petitioners project ore concerned and therefore to characterize the action of the respondents as being counter-productive to the project, is unfair and Is not warranted The respondents, while admitting that the petitioners had sought for shifting and diversion of the 1625mm dia MS transmission line and also having deported a sum of Rs. 77 Lakli, would contend that the said fine is a pipeline running from Tataguni opts Hegganahalli Ground Level Reservoir and this is the main pipeline supplying water to the western and northern part of Bangalore city, alongwith new Bangalore International Airport, Indian Air Force, Border Security Force premises etc. The pipeline is in service for all 24 hours and 365 days of the year. If the proposed work of shifting the pipeline is taken up, the above areas and premises would be water-starved and would be severely affected causing inconvenience to the general public at large as well and therefore, the respondents would declare that it is not possible to take up the work of shifting of the said transmission line and that the Board, after careful consideration and obtaining technical opinion, have addressed the disadvantages and have decided that it is not feasible and workable to shift the said line from its existing place and therefore, have made arrangements to refund the deposit amount to the petitioners.

14. It is further contended that the petitioners were well aware of the existing transmission water line which was across the road and as such, before planning to form the road, they ought to have obtained consent of the Board as to the manner in which the transmission line could have been avoided The Board having kept in the dark, it is not open for the petitioners to complain that the Board Is not co- operating in the shifting or diversion of the said transmission line,

15. It is contended that the transmission line exists in a prohibited area as laid

down u/s 29 of the Bangalore Water Supply and Sewerage Board Act, 1964, and therefore, no structure or road can be constructed over the water line. The petitioners cannot as a matter of right, claim or demand that the Board shift the transmission line. The transmission line is the only source of water to the entire western and northern areas of Bangalore as also other important places as mentioned hereinabove and therefore, it is not possible for the respondents to concede to the shifting or diversion of the transmission line.

16 Insofar as the 600mm dia PSC water supply pipeline is concerned, the same feeds water to Bangalore Central Jail and south-eastern parts of Bangalore. This again is a pipeline which is charged with water on all days of the year for twenty four hours and by taking up any such work, would result in the water supply to the Central Jail and south-eastern parts of Bangalore being seriously affected. Hence, the said work also cannot be permitted and that the respondents are refunding the amounts deposited in this regard.

17. Insofar as the work in relation to 230mm dia sewage disposal line which services the Veerabhadreshwara Nagar layout and Kasturbenagar slum, the respondents contend that the said lines have been linked to the disposal line and therefore, there is a continuous sewage flow throughout the day and any proposed shifting of the line, can be taken up only after laying of a new disposal line under another project, which is yet to be commissioned by the respondents. Hence, the amount towards ETP charges, deposited by the petitioners would be refunded.

18. Insofar as the 230mm Line provided for disposal of sewerage of Avalahalli Bangalore Development Authority pocket is concerned as in the view of the respondents the petitioners have not finalised the alignment of the road and the formation of the road, it is not possible to ascertain the depth of the manholes and hence permission cannot be granted.

19. Insofar as the 600 mm dia feeder line parallel to 100 feet ring road is concerned, the same supplies water from Banagirinagar Ground Level Reservoir to Banashankari III Stage area, Further, water supply to Rajarjeshwarnagar City Municipal Council is also commissioned and the shifting would seriously affect water supply to these areas, Hence removal of even a small section of pipeline is not possible.

20. The petitioner has, in turn filed a rejoinder to the said statement of objections to contend that the stance taken by the respondent Board that the petitioners ought to have consulted the respondent-Board as to avoid the transmission line, is untenable, since the petitioners, as early as in the year 2001, had conducted a joint inspection along with the respondents of the alignment of the Peripheral Road and the link Road, in the presence of the Assistant Executive Engineer, one Sri Manjunath, of the respondent-Board on 18.8.2001. The petitioners had, by a letter dated 23.8.2001, informed the same to the Executive Engineer, Cauvery Project, Bangalore. In pursuance of the joint

inspection, the petitioners had submitted design drawings for the road crossing at the water pipelines to the respondent-Board for its approval. The copies of such correspondence is placed on record as per Annexures, J.J1 to J5, to establish that the respondent-Board is now taking a false and frivolous stand insofar as the Board having been kept in the dark as regards the alignment of the Peripheral Road and the link Road.

21. Insofar as the deviation and shifting of the 1625 nun dia MS pipe water supply transmission near Charmasandra is concerned, designs and maps were submitted to the respondent-Board on 21.2006 under cover of the petitioners' letter and copies of the same are marked at Annexure-K. It is, on the face of the said correspondence and other correspondence which is to the knowledge of the respondent-Board an estimate was prepared and the petitioners were called upon to deposit the sum of Rs. 77.10 Lakhs which is calculated down to the rupee, with relation to the detailed works that were involved in the shifting of the transmission line near Charmesandra. On account of the proposed deviation of the water supply transmission line, the general public being put to hardship, was very much present to the minds of both the petitioners and the respondents. The respondents now seeking to take up a plea of untold hardship to the general public on account of the stoppage of water supply, which is imminent, in view of the shifting of the pipeline is a clear after-thought and wholly untenable, in the light of the respondents having arrived at an informed decision after a close examination of the pros and cons involved in the shifting of the pipeline. More particularly, it is pointed out that the very Chief Engineer who has sworn to the affidavit in support of the statement of objections, has in the estimate prepared at an earlier point of time stated as follows:

5 Linking at 2 ends 1625 millimeter diameter during general shutdown including cutting existing system providing and shifting and fixing linking, 12 millimeter thick mild-steel specials including baling out of water and fixing work to be completed within 16 hours working all round the dock by engaging extra men and materials (2 ends). Data rate enclosed.

22. The Counsel would submit that the procedure contemplated for deviation of the transmission line is that the first parallel line of pipes would be laid and end connections will be kept ready with men and material. The shut-down would be obtained subsequently and normally, shut-down is given for a period of twenty four hours only, within which the connections of the new parallel pipeline would be made. The second respondent has actually estimated the required time as being 16 hours for linking the work of each end. The estimated amount was in the order of Rs. 1,50,000/- amounting totally to Rs. 3,00,000/-, which form part of the total amount of Rs. 77, 10,000/- which is already in deposit with the respondent -Board- This would demonstrate the hollowness of the stand taken by the respondent-Board as to the general public being put to hardship on account of shut down of the pipeline. In any event, any such shut-down of water supply to the city for brief periods, on account of maintenance and repairs or for other

reasons, on account of water clashes with mad over-flows or on account of other public utility is not unusual. The Counsel would refer to a recent incident where the water supply was disrupted for four days on account of linking of new water line to the Canvery IV Stage. The respondent-Board had issued a notification which was duly published in various newspapers insofar they were issued by the Chief Engineer who, in fact has sworn to the affidavit in support of the statement of objections. Similar shut-downs have occurred many a, time and there force, it. is unnecessary to burden the Court with details of such shut downs. Suffice it to say that the contention as regards any such shut down resulting in serious hardship which would enable the respondents to take a stand that it is impossible to carryout this shifting of the pipelines, is untenable and a false claim to the knowledge of the respondents.

23. Further, the Counsel would point out a case where the petitioners had deviated three pipelines measuring 24", 27" and 36" on the Peripheral Road near Magadi Road as per the permission granted by the second respondent, under his letter dated 21.12.2006. These pipelines were supplying water from Thippagondanahalli Reservoir. This work was carried out by the petitioners on self-execution scheme on payment of supervision charges to the respondent-Board. This was effected in February 2006. The procedure adopted was similar to the one which is contemplated in the present instance insofar as the shifting of the main transmission line is concerned. In this regard, the petitioners have produced the photographs showing the deviation work carried out by the petitioners in respect of the above lines. The deviated pipelines are working without any complaint as on date. There was no incidence of any public outcry, as the respondents now apprehend, The petitioners are not averse to carrying out the deviation work of 1625mm dia water transmission line at Channassandra, on self execution basis. But, since the respondent-Board had taken a stand that it involve execution work of a sensitive nature and therefore, the respondents are not inclined to permit any party including the petitioners or any third party to execute such works, had called upon the petitioners to deposit the sum as aforesaid, which has been complied with. The respondents are., therefore, not justified in now seeking to resile and to declare that the shifting of the wetter pipeline is impossible

24. It is pointed out that under the terms of the Frame work Agreement between the petitioners and the State Government, for implementation of the project, the State Government had set up in Empowered Committee headed by the Chief Secretary of the State to over-see the project and its implementation. The main mm of the Committee was to remove the administrative bottlenecks and to ensure smooth functioning of the project. The respondent-Board which has. been represented in the said Committee and the said Committee having held eleven meetings over the years, the respondents not having raised say such issue of impossibility of shifting the pipeline or in permitting, the carrying out of other works referred to hereinabove, would dearly demonstrate the mala-fide intention of this respondent-Board. in preventing the execution of the works for reasons

best known to the respondent-Board. In any event, the reasons assigned by the board that the proposed works would result in disruption of water supply and hardship to the citizens is hardly a reason as emphasised hereinabove. The respondents need not have waited for six years and near completion of the Peripheral Road and the Link Road to be informed thus.

25. The Counsel having been heard, the respondent-Board was called upon by this Court, by an order dated 21.12.2008, to substantiate their stand that it would be impossible to permit the petitioners to carry out the works on a self-execution scheme or to permit any third party to carry out the works. However, the respondent-Board by its Author statement of objections dated 23.1.2008 has reiterated its contentions while adding that it involves specialised work and cannot be entrusted to the petitioners or any other agency except the Board. That its pumping units are a totally prohibited and that the pumps are required to be run for 24 hours under controlled pressure and capacity. It is for this reason, that it was suggested that the infrastructure road may either be elevated or depressed to go under the pipeline. Though it is true that the relevant junction at the two ends require a minimum of 15-24 hours to be joined, but to take up the specialised works from Netkal Balancing Reservoir to T.K. Halli it would require water to be drained for more than 36 hours and therefore, it would affect water supply of the western and northern city of Bangalore, as already stated, for much more than 24 hours and this will result in serious hardship. Apart from this, there would be a short supply of at least 300 million litres of water, which results in loss of water at Rs. 20/ per kilolitre and in terms of money, more than Rs. 6 crore would be the loss that would be suffered by the Board, apart from water that would flow into the river without being utilised. Hence to avoid all such inconvenience it would be more appropriate if the petitioners are directed to elevate or depress the road, without affecting the transmission line. The petitioners seeking to characterise the respondents' stand as being arbitrary or unreasonable is absolutely false and that the Board being an instrumentality of the State owes a responsibility to the citizens of Bangalore and by itself is a service oriented organisation, it has the interest of all citizens in view and which is a major concern in providing uninterrupted water supply to the citizens.

26. The respondents have also declared that the petitioners have not produced the approved alignment by the competent authorities for shifting the water and sewage lines along roads at the sites in question and therefore, the shifting and laying of lines which would involve disturbance of the existing roads, is yet another circumstance which does not entitle the petitioners to any such directions at the hands of this Court.

27. It is contended that though the representatives of the Board have, at a point of time, inspected and even assessed the cost of shifting the lines, this by itself does not amount to commitment on the part of the Board to bind itself to such shifting, in retrospect. The Board, on review, has found that it is not possible to shift the transmission line, for reasons as already stated and the enormous

discomfort that would be caused to the citizens of Bangalore, Hence it is suggested that the Board may direct realignment of the route or an alternate technology to be considered by the petitioners, instead of calling upon the Board to shift the transmission line which would cause hardship to the citizens of Bangalore for much more than 24 hours of shut down.

28. Insofar as other items of work are concerned, it is contended that the petitioners have not furnished necessary approval accorded by the competent authorities for the petitioners to carry out the said works and therefore, the question of shifting the water line or other service lines does not arise. Even if the respondent has received moneys as contended by the petitioners, in the interest of the general public, the respondent-Board declare that it is not expedient to shift the lines or to carry out other works. At this juncture of time and it is for the petitioners to take alternate measures.

29. The petitioners have filed a rejoinder to the above statement of objections of the respondent-Board dated 23.1.2008 by its rejoinder dated 24.1.2008 wherein it is stated that the respondents have only added more untenable contentions to its earlier unreasonable stand and that then is no new information or reasons brought-forth, which would justify the respondent's unreasonable stand, as to denying the petitioners, the execution of the works which was agreed to and undertaken by the respondents earlier,

30. In this background and on a consideration of the rival contentions of the parties, the sequence of events insofar as the petitioners having approached the respondents to conduct a feasibility study and the manner in which the above works were required to be carried out having been studied at length and the respondents also having prepared detailed estimates of the works and the cost of the same, and the petitioners in turn, having deposited the amounts and on the basis of this undemanding, the petitioners having progressed in the execution of the project and having completed 39 1/2 kilometres of the total stretch of 41 kilometres of the Peripheral Road and the respondents at this point of time, seeking to raise the contention that shut down of water supply in the transmission line would result in hardship, though, it is not the contention of the respondents that it is technically not feasible or that the respondents are not capable of carrying out the works, the emphasis of the respondent's objection is as to the hardship that would be caused to the general public whether it is in reference to the shifting of the transmission line at Uttarahalli Kengeri Road or the 600mm dia water supply line parallel to 100 feet Bangalore Development Authority Ring Road near PES College or the sewage line at Avalahalli or the 600mm dia PSC line with 600mm dia MS line at the junction of BMICP Peripheral Road connecting Loop Road towards Electronic City, the respondents do not say that the respondents are not capable of the same. The specific contention is that especially insofar as 1625 mm dia MS transmission line at Uttarahalli-Kengeri Road near Channasandra is concerned, it is not merely the fact that the joining of the two ends would consume a minimum of 16 hours, it is the contention of the

respondents that there are other measures that require to be undertaken at other pumping stations, which would entail the supply line drying up for more than 36 hours which would have a latent effect in water supply being denied to various areas of Bangalore City for more than 48 hours. This objection being raised at this point of time is wholly unacceptable. In that, it is not clear as to how the respondents proceeded with the estimation of (the works and approval of the alignment of the road closing with the water supply and sewerage service lines along the route, without this immediate consequence of hardship to the public being present to their minds. Hence the petitioners' contention that the respondents' stand at this point of time that it is not possible to carry out the shifting of the lines as being unreasonable, must be accepted on the face of it

31. It is not the case of the respondents that there are events or circumstances which have occurred between the time when the feasibility study of such work was carried out and that the estimation of works were prepared, and the present which has resulted in the respondents declaring such work cannot be carried out or permitted. This is a reason put forth at present without any such circumstances or other intervening conditions being present. Hence, the respondents cannot be permitted to resile from the undertaking, which has prompted the petitioners in proceeding with the project, in terms as contemplated at the earliest point of time when the feasibility studies were finalised and estimate was prepared in respect of the works. It is not a case where the petitioners were not in a position to redesign the works or to contemplate other alternatives, if the respondent had indicated its firm stand, that it is not possible to shift the transmission lines. Having regard to the enormity of the project it is possible that the petitioners would possibly have advised other measures insofar as the road is concerned. Hence, the stand of the respondents citing the sole reason of the purposed works causing hardship is wholly untenable

32. While it is true that the general public at large would be deprived of water for a spell, may be 24 hours or more, would necessarily require the respondents to take measures to warn the public about the impending denial of water supply on account of the above works being taken up and when the parties embark on this exercise of carrying out the shifting of the pipeline. While the hardship that is to be caused must be borne in mind, it cannot be expected that the works would be carried out with expedition and being fully prepared for any unforeseen circumstances that may arise even during the execution of the works. In this regard, it would be appropriate if the respondents were to seek the assistance of the petitioners, and for the petitioners to provide all such assistance by way of men and material or to supplement its own resources, in the event of any unforeseen circumstances occurring.

33. On the other hand, the respondents, to throw in the towel as it were, and to declare that it is not possible for the works to be carried out at this point of time, is wholly unreasonable and is not expected of an instrumentality of the state, which the respondents themselves proudly declare themselves to be.

34. Having regard to the pronouncements of this Court as well as the Apex Court insofar as the present project is concerned, it would be inconsistent if this petition were to be rejected on the ground that it would fall in the realm of private Contract Law or that there is an alternate remedy of the petitioners insofar as any breach of obligation on the part of respondent is concerned or on the ground that the petitioners are in a position to carryout alternate measures in relocating the road to avoid the transmission lines. As already stated, it would be necessary for the respondents to warn the general public about the disruption in water supply and to take measures to ensure that there is surplus water supply prior to any disruption and to ensure "that any such proposed works are carried out at the earliest. Therefore, the respondents are held bound to its obligation as originally conceived as between the petitioners and the respondents. Hence, in the interest of justice and the interest of public at large, having regard to the significance of the Peripheral Road and the Link Road in the management of the chaotic traffic under which the city is reeling, and to alleviate the suffering of the millions who look forward to this arterial link which would ease the enormous volume of traffic which at present ploughs through the city to reach Tumkur Road from Hosur Road or vice versa is a desideratum to be met at the earliest, The respondents alone are responsible for preventing the vital need of the City from being provided

35. Hence, I have no hesitation in allowing this petition and directing the respondents 1, 2 and 5 to execute the deviation of 1625mm dia MS transmission line at Uttarahalli-KJengeri road near Channarayana crossing BMICP link road at chainage 5428 coming under the Assistant Executive Engineer, West-1 Sub-division, Bangalore Water Supply and Sewerage Board.

36. I further direct the respondents 1 and 3 to replace the 600mm dia PSC line by 600mm dia mild-steel line at the junction of BMICP Peripheral Road at chainage 0.00 and interconnecting Loop Road to a length of 270 running metre.

37. The said respondents are also directed to issue work order to the petitioners to execute the work relating to providing of underground network in survey No. 17/1, 27/1 and 27/2 of Avalahalli Village and shifting of 225mm dia sanitary pipeline at Pantharapalya Village presently lying under the alignment of the Link Road. The respondents 1 and 4 are directed to permit the petitioners to remove temporarily the 600mm dia water supply line parallel to 100 feet Ring Road at the junction of the Bangalore Development Authority and the Link Road near FES College and re-lay the same after completion of the over-bridge work at their own cost.

38. These above works shall be carried out by the respondents having due regard to the mobilisation of men and material as would be required within a period of three weeks from today, wherever the respondents are to carryout the works and to commence and complete works within one week thereafter. The respondents shall take measures to issue appropriate notifications and public notices as to the impending disruption of water supply and the measures that are

taken by the respondents to ensure that there is emergent water supply in cases where it is required and in this regard, the petitioners shall afford all such assistance and cooperation as may be required, if circumstances so arise. In respect of the works to be carried out by the petitioners are concerned, the respondents shall issue appropriate work orders forthwith to enable the petitioners to carry out the works with least inconvenience to the public and on such terms as may reasonably be imposed by the respondents.