
(2003) 06 AP CK 0081

In the Andhra Pradesh High Court

Case No : Writ Petition No. 14363 of 2002

R.S.N. Murthy

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

Date of Decision : 23-06-2003

Acts Referred:

Constitution of India, 1950 — Article 22

Citation : (2003) 6 ALD 255

Hon'ble Judges : Devinder Gupta, C.J;A. Gopal Reddy, J

Bench : Division Bench

Advocate : S. Krishna, for the Appellant; Deepak Bhattacharjee, SC for C.G. for Respondent No. 1 and Government Pleader for Irrigation, for the Respondent

Judgement

Devinder Gupta, CJ

1. The petitioner, who served in Irrigation Department in State of Andhra Pradesh for more than 35 years and retired as Chief Engineer, has filed this petition as public interest litigation and sought directions against the respondents to urgently execute the pending projects such as Ichampally and Polavaram Projects for optimum utilization of allocated Godavari water for irrigation of lands and power generation in the State in a time bound program. Grievance of the petitioner is that there is inaction on the part of the State Government in implementing and completing the projects.

2. Respondents 1 and 2 filed their counter-affidavits.

3. 1st Respondent has stated that Central Government have allocated 1450 TMC of water from the Godavari river for utilization by the State of Andhra Pradesh. The Godavari Water Disputes Tribunal (GWDT) adjudicated the disputes between co-basin States of Karnataka, Maharashtra, Madhya Pradesh, Orissa and Andhra Pradesh and had given its final Award in July, 1980. The Godavari Water Disputes Tribunal Award does not indicate specific quantification of water allotted to each co-basin States. A number of Inter-State Agreements have already been entered

into between the co-basin States and have been made part of the final order of the Tribunal. The affidavit further states that--

".....as per the Inter-State Agreement of 7-8-1978 incorporated in the decision of Godavari Water Disputes Tribunal, the Governments of Maharashtra, Madhya Pradesh and Andhra Pradesh had agreed to take up the Ichampally Multipurpose Project as a joint venture with an FRL and MWL, as may be agreed to by the three States. According to the agreement, the project was to be surveyed, planned, executed and subsequently operated and maintained under the direction of a Tripartite Inter-State Control Board duly constituted for the purpose by the three States concerned. For the Polavaram Multipurpose Project in Andhra Pradesh, there is an Inter-State Agreement dated 2-4-1980 between the States of Andhra Pradesh, Orissa and Madhya Pradesh. Consequently to Madhya Pradesh Reorganization Act, 2000, the successor State of Chattisgarh became a concerned party with Ichampally and Polavaram Projects. Both the Ichampally and Polavaram Projects involved inter-State issues regarding submergence, environmental impacts, loss of forest, rehabilitation and resettlement with other co-basin States which needs to be resolved jointly by the concerned co-basin States."

1st Respondent stated that after the project are submitted by the State Government, techno-economic viability was examined by Central Water Commission and projects are then sent for examination by Technical Advisory Committee and after their acceptance, the projects are recommended to Planning Commission for according investment clearance. It is now for the State Government to plan and implement the projects as per the Godavari waters made available to them by the Tribunal.

2nd Respondent in its affidavit has stated that:

"The Government of Andhra Pradesh set up the Godavari Water Utilisation Authority on 12-4-1999 under the Chairmanship of the Chief Minister of Andhra Pradesh with a view to expeditiously utilize the balance dependable waters of River Godavari for the accelerated development of the backward areas of Telangana and North Andhra regions. The authority meets at frequent intervals for formulating practicable proposals for utilization of the dependable waters of River Godavari. The Godavari Water Utilisation Authority has already conducted meetings with Experts, Engineers and Political Leaders and gathered their considered opinions for arriving at a consensus. The Government of Andhra Pradesh, pending finalization of Ichampally Project and to give priority to immediate irrigation facilities, proposed to lift water directly from the Godavari River down stream of the proposed Ichampally Project. This proposal envisages utilization of 50 TMC of water to irrigate 5.0 Lakh acres in Warangal, Karimnagar, Medak and Nalgonda Districts. Further the Godavari Water Utilization Authority has also recommended for constitute of a Committee, which was duly implemented vide G.O. Ms. No. 10 dated 19-1-2001, for identification of sites to tap the Hydel Power Potential of the Godavari River. The above facts clearly

demonstrate that the Government of Andhra Pradesh is making every effort to properly utilize all dependable waters of the Godavari River in a planned and phased manner."

4. Along with the counter-affidavit of the 2nd respondent, separate reports and annexures are filed with respect to Ichampally Project and Polavaram Project, stating the action taken by the State Government in implementing the projects; further stating that adequate measures have been taken up by the State Government to tap irrigation potential of River Godavari even before realization and establishment of Ichampally and Polavaram Projects. We do not go into various details referred by the State Government and since there is High Level Committee constituted by State Government for utilization of the waters of Godavari made available to the State, which is overlooking the utilization of all dependable waters of the River Godavari by setting up minor Irrigation Projects wherever necessary, there is hardly any ground for interference by this Court in such matters which are purely policy matters which the State Government has to implement according to its resources and priorities. No inaction has been pointed out to us by the petitioner and at what level there is inaction.

5. We take the affidavit of 2nd respondent on record and close this writ petition finding no ground to issue any directions prayed for in this petition. No costs.