

(2019) 05 UK CK 0092
In the Uttarakhand High Court
Case No : Writ Petition (PIL) No. 53 Of 2019

Sanjay Bhatt

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 03-05-2019

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2019) 05 UK CK 0092

Hon'ble Judges : Ramesh Ranganathan, CJ; N.S. Dhanik, J

Bench : Division Bench

Advocate : Sanjay Bhatt, Amit Bhatt

Final Decision : Dismissed

Judgement

Ramesh Ranganathan, CJ

1. The relief sought for in this Writ Petition is for a writ of mandamus commanding the respondents to take prompt steps in order to ensure proper and effective water supply to the residents of Nainital, particularly those who are residing in areas called Birla, Snow View, Lower Danda, May Villa, Mount Rose, Stoneley, Kamlasan etc.; a writ of mandamus commanding the first respondent to constitute a high level committee to enquire into the role of officials engaged in laying pipelines under the fund provided by the Asian Development Bank; and a writ of mandamus commanding the respondents to review the roster of water supply, so that the local residents may get uninterrupted water supply atleast for 6-7 hours in a day particularly between 5 AM to 9 AM in the morning and 6 PM to 9 PM in the evening.

2. The relief sought for by the petitioner, in effect, is that this Court administer the Jal Sansthan, a body created under the U.P. Water Supply and Sewerage Act, 1975. The question whether there is adequate water available in the city to provide water to the residents, for more than one hour each day as is being presently supplied, are matters for the Jal Sansthan to examine, and not for this

Court to adjudicate in proceedings under Article 226 of the Constitution of India.

3. The Writ Petition was instituted on the ground that drinking water supply, to the residents of the aforesaid areas, was stopped since 27.04.2019. Mr. Sanjay Bhatt, petitioner-party in person, would himself, admit that water supply has since been restored, and stoppage of water supply was because a pipe had burst, which has been repaired. He would further contend that the quality of the pipelines leaves much to be desired; and, in such circumstances, a high level inquiry should be caused by a Committee constituted by the first respondent to inquire into the role of the official engaged in laying the pipelines under the funds provided by the Asian Development Bank.

4. Bursting of a pipeline, or its leakage, would necessitate remedial steps being taken, and not for a high level committee to be constituted to enquire into its cause. Except for the relief that drinking water supply be restored, and the petitioner's grievance that supply of water was stopped for five days, all the other reliefs, sought for in this Writ Petition, are wholly unjustified as they are not matters which this Court would, ordinarily, examine in proceedings under Article 226 of the Constitution of India. While we were initially inclined to impose exemplary cost on the petitioner, we have refrained from doing so, since the petitioner is a practicing advocate of this Court.

5. Any grievance, which the petitioner may have regarding the defective pipeline, can be agitated by way of a representation to the Jal Sansthan. We have no reason to doubt that, on receipt of any such representation from the petitioner, the Jal Sansthan would give it its serious consideration. Since water supply has been restored, the cause in this Writ Petition does not survive, and does not necessitate any further adjudication. The Writ Petition fails and is, accordingly, dismissed. No costs.