

(2018) 02 MP CK 0216
In the Madhya Pradesh High Court
Case No : 902 of 2008

S.K. Sharma

APPELLANT

Vs

State of M.P. & others

RESPONDENT

Date of Decision : 02-02-2018

Acts Referred:

Citation : (2018) 02 MP CK 0216

Hon'ble Judges : Sanjay Yadav, Ashok Kumar Joshi

Bench : Division Bench

Advocate : Deepak Khot

Final Decision : Disposed off

Judgement

1. Petitioner, practicing lawyer of this Court concerned with the scarcity and the quality of drinking water supplied to the habitants of the Gwalior

town had approached this Court in the year 2008 with a plea that the State of Madhya Pradesh and Municipal Corporation Gwalior to make

arrangements for adequate water supply, quantitatively and qualitatively.

2. For last over 10 years various orders have been passed to ensure that the Authorities at the helm of the affairs take proper measures and steps

to cure and curb the water scarcity of the Gwalior Town which get scanty rains.

3. Though efforts were shown to have been made by the functionaries of the State and of the Municipal Corporation Gwalior; however over a

period of time these efforts are not proved to be sufficient to meet out the crisis, either because of lack of administrative and managerial skills or

because of lack of will. Otherwise for an area of 423.35 sqKm. with 66 wards having population of about 15 lakhs with over 450 Wells/Bawaris,

Tighra Dam, Motijheel and with over 1100 Tubewells, 2,33,930 households would

not have been clamouring for drinking water.

4. The water supply scheme of Gwalior as reported, is 85 years old (Gwalior Municipal Corporation came into existence on 06/06/1887) brought

in vogue in the year 1926 and further augmented in 1980 and 2012-13.

5. That recently with the financial assistance under the Ministry of Urban Development Scheme for AMRUT (Atal Mission for Rejuvenation and

Urban Transformation) Project, Madhya Pradesh has been mooted for water supply system. Gwalior, one of the 34 towns is proposed to be

covered under the project. The project aims at augmenting, in next five years (targeted period March, 2020), infrastructure for providing urban

basic services like; water supply, sewerage and septage management, storm water drainage, urban transport, green space and parks, reforms

management and support, capacity building etc. The project aims at that, every household has access to a tap water with assured supply and

connected with sewerage line.

6. As per the detail project report prepared in January, 2017 in respect of water supply system for Gwalior based on incremental increase method

for population projection 2020, 2035 and 2050. The salient features whereof are:-

Existing water supply system: 2017-18

Proposed water supply system: 2018

Zoning:- 2019

7. The project report further records that the Municipal Corporation, Gwalior cover peri-urban areas incorporated recently to cater the need of

the water supply including the drinking water with an object to ensure that every household has access to a tap with assured supply of water by

laying of additional distribution network in newly developed and developing area and also augmentation of old existing distribution network in old

city areas to meet out 278 MLD, 364 MLD and 466 MLD respectively by the year 2020, 2035 and 2050. The water demand at source

(including bulk demand) and to reduce NRW up to the service level benchmark (i.e. 20%) as against the present NRW 58.09%. To provide

drinking water supply @ 135 LPCD instead of present supply level @ 123 LPCD. To install water meter at each and every household of Gwalior

Municipal Corporation as against the present metering 3.41%. To recover 100% total cost of water treatment as against the present recovery of

54.55% and to collect the water charges up to 90% as against the presently collected up to 63.43%.

8. Project proposes to lay required distribution network with construction of required capacity service reservoir at different location at the Gwalior

Municipal Corporation area. It further proposes such measures which aims at reducing the wastage of valuable water from the gravity and pumping

mains by repairing the damage and leakage lines. It is also proposed to make the water supply system self-sustainable by running maintenance cost

of water supply system through improving the collection efficiency of user charges and reducing the running maintenance cost of water supply

system through automation and adopting the latest technology and by improving the monitoring system to evolve a scheme which is technically,

financially and environmentally sustainable by establishing 100% service connections based on the volumetric measurement, metering and to adopt

such inclusive approach with an aim of equity so that 24x7 water supply demand is meted out.

9. The project report after taking into consideration the situation, topography and historical importance, socio-economic condition, type of soil,

climate and rainfall has given various suggestions to meet out the water requirement of the town for the years 2020, 2030 & 2050 and has also

given the total expenditure which may be arise to meet out the same.

10. But before the project gets going, the city will definitely starve of adequate clean drinking water. Therefore, immediate steps are required to be

taken with strict adherence to the time line. In view whereof, following measures are directed to be taken by the Municipal Corporation, Gwalior

and the State Government:-

(i) develop a water app for hearing complaints and supervising the adequate water supply to the citizen of Gwalior. The Municipal Corporation

shall give wide publicity about the app and shall ensure its 24x7 hours work ability.

(ii) Eliminate transmission loss of water from Kaketo, Pehsari, Tighra Dam and Motijheel by taking all measures such as laying pipelines (if not

already laid), repair leakages etc.

(iii) Remove all encroachments of and around all the water bodies including those from where the water is drawn and stop illegal infiltration by all

class of persons.

(iv) Increase enhanced water intake from Kaketo and Pehsari Dams to Tighra Dam.

(v) State Government and its functionaries to work on the feasibility of bringing water from the Ken-Betwa and Chambal.

(vi) Municipal Corporation to work out the scheme to stop construction work during summer seasons between March to July each year and

regulate water supply ward wise during these months to ensure that each of the citizens gets water for consumption and other use during these

months in each alternate days.

(vii) Municipal Corporation, Gwalior to regenerate water for supply to the locality situated around public Wells/Bawaris and the tubewell. To

achieve the same it shall layout a plan to be included in the water app.

(viii) Municipal Corporation, Gwalior in association with the State Government shall prepare comprehensive water harvesting scheme and

implement the same rigorously and make provisions in the bye laws making the non-compliance by the individuals, establishment both State

Government/ Union Government, all private and public institutions including Schools/ Colleges, punitive.

(ix) Municipal Corporation, Gwalior shall prepare a comprehensive scheme to supply water through tankers stipulating precondition to meet out

the shortage as and when the occasion so arises.

(x) Municipal Corporation, Gwalior to ensure chlorination of water supplied for domestic purpose.

(xi) Municipal Corporation, Gwalior shall lay down the stipulations such as Do's and Dont's regarding domestic and non-domestic water use.

(xii) Municipal Corporation, Gwalior shall meter all domestic and non-domestic water supply.

(xiii) State Government and its functionaries and the Municipal Corporation, Gwalior shall ensure that none of the water bodies including dams,

ponds, wells and bawris are used for immersing idols.

(xiv) Municipal Corporation, Gwalior and the State and its functionaries shall ensure that all the dairies having more than two milking cattle be

moved outside the city at a place earmarked for them within 4 months from the date of communication of this order.

(xv) Municipal Corporation, Gwalior shall keep all overhead water tanks and sumps utilized for supplying potable water functional all times and get

them periodically cleaned and chlorinated.

(xvi) Municipal Corporation shall regularly take recourse to pre-chlorination, postchlorination and aeration process.

11. Directions No. (i), (vii), (ix) & (x) to be implemented within a period of 30 days from the date of communication of this order and report to

that effect be furnished to the office of this Registry.

12. Direction No. (iii) to be complied with within a period of 3 months from the date of communication of this order and report to that effect be

furnished to the office of this Registry.

13. Direction No. (vi) to be complied with within 60 days from the date of communication of this order and compliance report be furnished the

office of the Registry of this Court.

14. Direction No. (viii) be complied with within a period of 3 months from the date of communication of this order.

15. The petitioner is set at liberty to apprise the Commissioner, Municipal Corporation, Gwalior in case of any deviation by the Corporation from

the above directions. The Commissioner, Municipal Corporation shall dwell upon the same objectively. Failing which the petitioner is at liberty to

apprise the Court filing an application qua non-compliance.

16. The petition is disposed of finally in above terms. No costs.