
(2012) 08 RAJ CK 0144

In the Rajasthan High Court

Case No : Civil Public Interest Litigation (PIL) Petition No. 10784 of 2012

Tajveer Singh

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 21-08-2012

Acts Referred:

Citation : (2013) 1 WLN 59

Hon'ble Judges : Narendra Kumar Jain, J;Arun Mishra, J

Bench : Division Bench

Advocate : Karan Pal Singh, for the Appellant; S.N. Kumawat, Additional Advocate General, for the Respondent

Judgement

1. This writ petition has been filed, in the public interest, by the petitioner praying for the relief that construction of overhead water tank in the land reserved for the park, behind Arora Hospital, Krishna Nagar Colony, Bharatpur, be restrained. It is also submitted by the petitioner that park is necessary for the residents of Krishna Nagar Colony, who used to take walk in the park. Now by order Annexure-1, a decision has been taken to shift the overhead water tank to park in question; construction would be against the public interest, hence, petition has been preferred. It is submitted by the Counsel appearing on behalf of petitioner that petitioner has filed a civil suit also, in which injunction has not been granted, however, he has filed an application for withdrawal of the civil suit and has come in the writ application.

2. In the reply, filed by respondents, it is submitted that District Administration has decided to construct overhead water reservoirs as well as underground water tanks in various colonies of Bharatpur City, namely Pushpa Vatika, Krishna Nagar, Nai Mandi, CIMMCO, Forte-II and CWR along with pump houses to lift the water of Chambal river and through these overhead water tanks to distribute water in respective areas of city with the help of Rajasthan Urban Sector Development Implementation Programme(RUIDP), an agency of the State Government.

3. It is also contended by the respondents that in Krishna Nagar, an overhead water tank of 1350 Kilo Liter has to be constructed, for which the Municipality has granted permission vide letter dated 27.03.2012, in the park area, of which construction has been started. Other facts have been denied.

4. Rejoinder has been filed by the petitioner, contending that it would be against the public interest, in case overhead water tank is constructed in the area in question.

5. After hearing the submissions of learned counsel for the parties, we are not inclined to make any interference in the matter under writ jurisdiction as construction of overhead water tank is purely administrative question. However, it is apparent that earlier, different place was chosen for construction of overhead water tank and that has been shifted to the present disputed place. It is also submitted that a piece of land 50 meters away from the place in question is available, where overhead water tank can be constructed without disturbing the park.

6. In such matters, various aspects have to be taken into consideration and no doubt, an effort has to be made to protect park also. At the same time, they have also to consider whether construction of overhead water tank is possible at nearby place. All these technical aspects have to be taken into consideration after obtaining expert opinion in the matter. Such matters are purely administrative.

7. As such, we are not inclined to make any interference in the matter in a writ jurisdiction. However, Collector, Bharatpur shall examine the representation, which has been submitted and stated to be pending. Let it be considered within a period of ten days. For a period of ten days, status quo may be maintained. The petition is, accordingly, disposed of.