

(2015) 01 RAJ CK 0189

In the Rajasthan High Court

Case No : Civil Writ Petition No. 14308/2014 and Stay Application No. 13174/2014

Vijay Pathak

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 06-01-2015

Acts Referred:

Constitution of India, 1950 — Article 21

Citation : (2015) 1 WLN 446

Hon'ble Judges : Mohammad Rafiq, J.

Bench : Single Bench

Final Decision : Disposed off

Judgement

Mohammad Rafiq, J.—Petitioner has filed this writ petition for a direction to respondents to install water connection at his residence as he has already submitted requisite documenters and deposited requisite fee, with further direction to respondents to make him available sufficient quantity of potable water on the basis of fair, equitable and rational distribution system. Contention of petitioner is that he is resident of Tirupati Nagar, Jhareda Road (Ward No. 10), Hindaun, District Karauli. He applied for water connection and deposited requisite fee with respondents. He also submitted affidavits and other requisite documents. Despite that, the respondents have not given the water connection at his residence, whereas in the nearby houses, which are also located in Tirupati Nagar, they have provided water connection and potable water is being supplied to them regularly. Petitioner submitted an application requesting the respondents for providing him the water connection and make available potable water. It is contended that pursuant to complaint under Right to Hearing Act, the respondents replied that since the house of the petitioner is located in the corner, as such there remains low flow of water.

2. The petitioner, in support of his case, has relied on judgment of the Supreme Court in Narmada Bachao Andolan Vs. Union of India and Others, , wherein it

has been held that water is the basic need for the survival of human beings and is part of the right to life and human rights as enshrined in Article 21 of the Constitution of India and can be served only by providing source of water where there is none. The resolution of UNO in 1977 to which India is a signatory, during the United Nations Water Conference unanimously resolved that all people, whatever their stage of development and their social and economic conditions, have the right to have access to drinking water in quantum and of a quality equal to their basic needs.

3. Petitioner has also relied on judgment of this Court dt. 02.12.2014 in D.B. Public Interest Litigation Petition No. 17891/2012-B.R. Rana Vs. The State of Rajasthan and others, wherein the Division Bench observed that availability of water by itself brought up the village, is not sufficient, unless water is made available in each house, for proper and rational consumption. The residents of the village have a right to receive adequate and regular supply of potable water, which is included in the fundamental right to life guaranteed under Article 21 of the Constitution of India. This right includes a fair, equitable and rational distribution of potable water through proper distribution system, to be installed in each house, on a reasonable charge for consumption of water. The Division Bench directed to the State Government and the Public Health and Engineering Department, to consider the issues raised by the petitioner for an appropriate water distribution system to be installed for the potable water to reach the houses of residents, and to resolve the same as expeditiously as possible. The Division Bench made it clear that it is the responsibility of the State Government to provide fresh and safe drinking water to all the citizens, and that, any expenditure borne, for making such facility available, must come out of the public exchequer. Having regard to the facts of the case, writ petition is disposed of requiring the petitioner to approach respondent No. 3 - Executive Engineer, Public Health and Engineering Department, Hindaun, District Karauli, by filing a representation along-with a copy of this order, who shall, after verifying the facts afore-stated, take steps to address the grievance of the petitioner for water connection for supply of sufficient water as early as possible or otherwise give reasons for not doing so, within two months from the date the petitioner approaches him along-with copy of this order.

This also disposes of stay application.