

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) (PIL) 27 of 2021

Court on its own motion Vrs. The State of Tripura & Ors.

Present:

For the court on its
own motion

For the Respondent(s) : Mr. D. Bhattacharya, GA
Mr. Bhaskar Debbarma, Advocate
Mr. S. Saha, Advocate

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE ARINDAM LODH**

Order

25/07/2023

(Lodh, J.)

The present PIL had been registered by this Court based on newspaper articles bringing to the notice that the inhabitants of Hampaila hamlet of Nonacherra A.D.C. Village under Mungiakami R.D. Block of Teliamura Sub-Division in Khowai District were not being provided with adequate drinking water facilities.

2. On 13.12.2021, this Court directed the learned Government Advocate to file an affidavit indicating what steps are being undertaken by the State for providing drinking water under Nonacherra A.D.C. Village in Mungiakami R.D. Block and also to indicate what are the temporary measures they will immediately undertake to provide emergency water to the villagers of the said villages.

3. As per direction of this Court, an affidavit came to be filed on 10.01.2022 by the Engineering Officer & Deputy Secretary to the Government of Tripura, stating *inter alia*, that *there are total 13 habitations*

under Nonacherra ADC village of Mungiakami R.D. Block of Teliamura Sub-Division in Khowai District and those habitations are located mostly in undulated terrain with scattered households. The ground water prospect of Nonacherra area is not favourable for construction of ground water-based water supply schemes due to non-availability of suitable aquifer. Besides, availability of perennial surface water source nearer to the habitations is also an issue. However, on assessing the field conditions for coverage of those habitations under Nonacherra ADC village, an action plan was drawn and eight projects have been undertaken and sanctioned to facilitate supply of adequate and safe drinking water on daily basis to the inhabitants of the said locality and the target for completion of the projects has been fixed ranging from the month of March, 2022 till November, 2023. The affidavit of the State also indicates that as in interim measure, i.e. till completion of the projects came to be materialized, the Public Works Department(Drinking Water & Sanitation) would supply required drinking water on daily basis to the inhabitants of the said locality through truck mounted water tanks. After going through the affidavit, this Court being satisfied with the plans undertaken by the State and its agencies for completion of the projects, directed to file affidavit after completion of each of the projects.

4. Thereafter on 30.04.2022, another affidavit came to be filed wherefrom it came to fore that out of the eight projects, execution of two projects at Biswamani Para and Sampaubahadur Para under Mungiakami R.D. Block has been completed. However, the Court while appreciating the progress of the work had directed the State authorities to expedite completion of the remaining projects.

5. In terms of direction of this Court, the State respondents filed another affidavit on 18.08.2022, stating therein that out of remaining six projects undertaken by them, namely, (i) Nabjoy Para, Ganga Bahadur para, Hampaila Para and Datta Malsom Para, (ii) Gadai Mungkurui Para, (iii) Kalicharan Para, (iv) Karnaram Para, (v) Ujan Durgaram Para and Rangsurai Para, and (vi) Prajabahadur Malsom Para, implementation of project work undertaken at Sl. Nos.(ii), (iii), (iv), (v) & (vi) has been completed and those areas have been covered with supply of safe drinking water and for completion of project work undertaken at Sl. No.(i), the State had sought for allowing them to complete the said project by the month of November, 2022. This Court on going through the affidavit and upon hearing the learned Government Advocate by order 22.08.2022 directed the State to file an affidavit in the month of December, 2022 in respect of project mentioned at Sl. No.1.

6. Thereafter, vide order dated 04.07.2023 a direction was given to submit a report in the form of affidavit containing the progress of the work regarding construction of ground water pumping station and the supply chain in the Mungiakami R.D. Block.

7. In compliance of the order of this Court dated 04.07.2023, the State respondents by filing an affidavit dated 24.07.2023 have stated that to provide drinking water facility through Functional Household Tape Connection(FHTC) to the habitations, namely Nabajoy Para, Ganga Bahadur Para, Hampaila Para, Datta Malsom Para, Karnaram Para and Prajabahadur Malsom Para of Nonacherra ADC Village under Mungiakami R.D. Block, they have undertaken an innovative Water Supply Scheme, which is being constructed at Nabajoy Para and based on that water source, pipeline water will be provided to total 98

households of Nabajoy Para, Ganga Bahadur Para, Hampaila Para and Datta Malsom Para and to make functional of the said scheme, work order vide No.F.7(18)/EE-KLP/PWD(DWS)/469-81 dated 26.04.2022 has already been issued by the Executive Engineer, DWS Division, Kalyanpur. It is also stated through affidavit that construction of different parameters of the said scheme has already been started on October 15, 2022 and the work is in progress now, and 75% of total work has already been completed. But due to poor connectivity and for the ongoing monsoon season, the construction materials cannot be transported to the work site, for which an opportunity to complete the work within the month of December, 2023 has been sought for.

8. It is further stated by way of affidavit in respect of supply of drinking water to the habitation of Karnaram Para that a Water Supply Scheme is being constructed for the project undertaken at Karnaram Para, based on a streamlet, which passes through the said habitation. Work order dated 10.05.2022 has already been issued by the concerned Executive Engineer of DWS Division of Kalyanpur, and 85% of the total work has already been completed by this time. For completion of this project also, stating the same difficulties as being faced by them, as mentioned in the earlier paragraph, they had sought for an opportunity to extend the time limit upto the month of December, 2023.

9. Similarly, in respect of the project taken at Prajabahadur Malsom Para, it is stated in the affidavit that 95% of the total work has already been completed and to complete the remaining work, they have sought for the time limit upto the month of August, 2023.

10. We have carefully gone through the statements made in the affidavit as well as the submissions advanced by the learned Government Advocate appearing for the State respondents.

According to us, the present Public Interest Litigation(PIL) which was taken up by this Court *suo moto* can be dropped at this stage since it is explicit from the last affidavit filed by the State respondents that 75% of the total work is completed against the project undertaken at Nabajoy Para, 85% against Karnaram Para and 95% in respect of Prajabahadur Malsom Para, and the remaining work is expected to be completed by the month of December, 2023 in respect of the projects at Nabajoy Para and Karnaram Para and by the month of August, 2023 in respect of Prajabahadur Malsom Para.

11. Accordingly, we direct the respondents to make all endeavours to complete the entire work of Nabajoy Para and Karnaram Para by the month of December, 2023 and by the month of September, 2023 in respect of Prajabahadur Malsom Para, so that supply of safe drinking water can be made available to the inhabitants of those areas within the time as stipulated by this Court.

With the above observations and directions, the instant PIL stands disposed of.

(ARINDAM LODH, J)

(APARESH KUMAR SINGH, CJ)