

GAHC010002782021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL 1/2021

GLOBAL TRUST CLUB
(A SOCIETY REGISTERED UNDER THE SOCIETIES REGISTRATION ACT,
1860, REPRESENTED BY ITS CHAIRMAN, NAMELY MR. DELHI TSUAHAH),
HAVING ITS REGISTERED OFFICE AT CHIZAMI TOWN, P.O.-CHIZAMI
TOWN-797108, DIST-PHEK, NAGALAND

VERSUS

UNION OF INDIA AND 4 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY
OF DRINKING WATER AND SANITATION, SWACHH BHARAT MISSION
(GRAMIN), GOVT. OF INDIA, CGO COMPLEX, LODHI ROAD, NEW DELHI-
110003

2:STATE OF NAGALAND
REPRESENTED BY THE SECRETARY TO THE GOVT. OF NAGALAND
PUBLIC HEALTH ENGINEERING DEPARTMENT
KOHIMA-797110

3:THE CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT
NAGALAND P.O.-KOHIMA-797110 NAGALAND

4:THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT
PHEK DIVISION P.O.-PHEK-797108 NAGALAND

5:THE SUB-DIVISIONAL OFFICER
PUBLIC HEALTH ENGINEERING DEPARTMENT
PHEK SUB-DIVISION
P.O.-PHEK-797108 NAGALAN

For the petitioner : Mr. N. Dhar, Advocate
For the respondents : Ms. T. Khro,
Addl. Advocate General, Nagaland
for respondent Nos.2 to 5

– B E F O R E –

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEVASHIS BARUAH

28-06-2023

By the instant writ petition under Article 226 of the Constitution of India styling the same to be filed in Public Interest, the petitioner prays for issuance of a direction to the respondents for monitoring the progress and timely completion of works relating to schemes of drinking water supply under the Swachh Bharat Mission in the State of Nagaland, particularly, Phek district.

Heard learned counsel appearing for the parties.

The petitioner has annexed various sanction letters with the writ petition and alleges that though the works were sanctioned way back in the year 2013, 2014 and 2015, the same have not been completed.

The respondents have filed affidavit-in-opposition wherein pertinent assertion is made that the schemes in question are not being offered under the Swachh Bharat Mission but the same were sanctioned under the National Rural Drinking Water Programme. It is further asserted that the amounts as indicated in the writ petition were sanctioned during the financial years 2014-2018 under the Swachh Bharat Mission and that the same were allocated to the respective districts of the State of Nagaland for implementation of programmes under the Swachh Bharat Mission (Gramin) to improve the levels of cleanliness in rural areas through Solid and Liquid Waste Management activities and to make the Gram Panchayats Open Defecation Free.

Regarding the issues of projects pertaining to drinking water, it has been stated that the Ministry of Drinking Water and Sanitation sanctioned amounts of Rs.113.08 lakhs and Rs.350.00 lakhs, respectively as grants-in-aid in the State of Nagaland in the year 2013-2014 which has been allocated to different villages and works are under progress. However, one project in the village Leshemi was damaged by unknown miscreants on 26.06.2020 and an enquiry is being undertaken. It is further stated that in the year 2017-2018, a sum of Rs.7,90,08,300/- was sanctioned by the Ministry of Drinking Water & Sanitation as grants-in-aid for various villages and the projects are nearing completion. In affirmation of the fact that the projects are being sincerely executed, various photographs have been annexed with the affidavit-in-opposition.

We find that the averments made in the affidavit-in-opposition negate the apprehensions raised by the petitioner in the writ petition. Though an affidavit-in-reply has been filed by the petitioner, nothing significant has been stated therein which can persuade the Court to discard the averments made in the affidavit of the respondents that the projects/schemes are being implemented in all sincerity. Hence, we are of the firm view that no further directions are required to be given to the respondents in this PIL and, thus, the same is closed.

JUDGE

CHIEF JUSTICE

Comparing Assistant