

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI VIPIN SANGHI

AND

HON'BLE SRI JUSTICE RAKESH THAPLIYAL

SPECIAL APPEAL NO. 326 OF 2023

22ND SEPTEMBER, 2023

Mahaveer Singh

....Appellant.

Versus

District Magistrate Tehri & others

....Respondents.

Counsel for the Appellant	:	Mr. Sandeep Kothari, learned counsel.
Counsel for the Respondent Nos.1 & 2 :		Mr. K.N. Joshi, learned Deputy Advocate General assisted by Ms. Puja Banga, learned Brief Holder.
Counsel for the Respondent No.3	:	Mr. Pankaj Chaturvedi, learned counsel.

The Court made the following:

JUDGMENT:(per Hon'ble The Chief Justice Sri Vipin Sanghi)

The present special appeal is directed against the judgment dated 23.08.2023, passed by the learned Single Judge, in Writ Petition (M/S) No.2380 of 2023.

2. By the impugned judgment, the writ petition preferred by the appellant- writ petitioner has been dismissed. The appellant had preferred the said writ petition to seek a mandamus against the respondents not to replace the earlier installed water pipelines, with pipelines of larger diameter, and the appellant desired that the replaced pipelines should also be of the same diameter.

3. It was the case of the appellant- writ petitioner that he was residing at a height, where the natural water source

was located. He claimed that with the replacement of 1.5 inches pipelines by 2 inches pipelines, there would be water shortage experienced by the appellant- writ petitioner, as more water would flow down in the pipelines due to gravity. The stand of the respondents before the learned Single Judge was that the earlier pipelines were also of 2 inches diameter. It was also stated by the respondents that the petitioner had preferred the writ petition out of spite, since he was not awarded the contract for the replacement of the pipelines.

4. Mr. Kothari submits that there was no such tender issued, and there was no question of the petitioner participating therein.

5. The learned Single Judge has not found any merit in the petitioner's submissions, as the issue with regard to the replacement of the pipelines is a matter of policy, and it is not for the petitioner to decide on the said issue.

6. We have heard Mr. Kothari, learned counsel for the appellant. He submits that with the replacement of the existing pipelines with the pipelines of 2 inches diameter, the appellant and others residing at higher reaches would suffer scarcity of water in summer months.

7. This submission is based on mere apprehension and imagination. That cannot be the foundation for filing of the petition. Just like other villagers, the appellant- writ

petitioner is also entitled to receive sufficient water to meet his needs. In case, there is any shortage of water for any reason, whatsoever, it shall be open to the appellant- writ petitioner to raise a grievance with regard to the same before the respondent- authorities, and if his grievances are not redressed, it is open to him to approach the Court.

8. We do not find any merit in this appeal, and the same is, accordingly, dismissed.

9. Pending application, if any, also stands disposed of.

(VIPIN SANGHI, C.J.)

(RAKESH THAPLIYAL, J.)

Dated: 22nd September, 2023

NISHANT