

Court No. - 40

Case :- WRIT - C No. - 33206 of 2023

Petitioner :- Raj Bahadur

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Yatindra

Counsel for Respondent :- C.S.C.,Sanjay Kumar Om

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioner; Sri Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondent and Sri Sanjay Kumar Om, learned counsel for the respondent no. 6.

2. The writ petition was entertained on 17.10.2023 and this Court has proceeded to pass a detailed order asking the learned Additional Chief Standing Counsel to seek instructions with following observations.

"1. Heard learned counsel for the petitioner, Mr. Devesh Vikram Singh, learned Additional Chief Standing Counsel for the State-respondents and Mr. Sanjay Kumar Om, learned counsel appearing on behalf of The Executive Engineer, Uttar Pradesh Jal Nigam (Gramin), Tulapur, Jhansi, District-Prayagraj-respondent No.6.

2. By means of the instant petition, petitioner has prayed for following reliefs:-

"(i) Issue a writ, order or direction in the nature of mandamus directing the respondents to proceed with the work sanctioned under the Jal Jeevan Mission Scheme for the Village-Sadarepur, Post-Lokmanpur, Pargana-Kewai, Block-Dhanoopur, Tehsil-Handia, District-Prayagraj as per the report dated 12.05.2021 over Gata No.693 situated in the aforesaid village, ignoring the report dated 27.06.2023 and conclude the same forthwith without any further delay.

(ii) Issue any other suitable writ, orders or directions, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case."

3. Learned counsel for the petitioner states that under the Jal Jeevan Mission Scheme, the respondents had identified the land in question for installing water tank but till date the work has not commenced. The scheme is launched by the Government of India on a mission mode to provide drinking water to each and every villager but on account of inaction on the part of respondents, the same is being hampered.

4. Shri Sanjay Kumar Om, learned counsel for the respondent no.6 submits that the land was identified by the Revenue officials for construction of water tank but on account of restrain order passed by the competent authority qua the allotted site, the work could not commence. He submits that in case the revenue officials provide the alternative land as per requirement, definitely the proceeding would be finalized for construction of water tank.

5. *Considering the aforesaid fact and circumstances of the case, we are of the considered opinion that once the Government had initiated the scheme on a mission mode, in case there is some impediment it is always expected from the District Level Authorities for providing appropriate land, which would be free from all encumbrances so that water tank may be established.*

6. *Let the learned Additional Chief Standing Counsel may obtain proper instructions in the matter.*

7. *Put up this matter on 01.11.2023, as fresh. "*

3. In response to the aforesaid order, learned ACSC has placed the detailed instructions sent by Sub Divisional Magistrate Handia, Prayagraj, which is taken on record. Paragraph 8 of the said instructions gives an impression to us that so far as Gata No. 105 (area 0.114 hectare) of Khata No. 77 of village Bhavapur, which is recorded as Category-5(3), the said land has been identified for installing the water tank and the same has also been handed over the executing agency, which has to raise the construction over the site in question.

4. Considering the factual aspect of the matter as the Government of India is on a mission mode to provide drinking water to each and every villager under the Jal Jeevan Mission Scheme, we direct the executing agency/respondent no. 6 to commence the work for construction of water tank over the site in question, which is already identified by the competent authority.

5. With the aforesaid direction, the present writ petition stands **disposed of**.

Order Date :- 1.11.2023

A.K.Srivastava