

Court No. - 1

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1059 of 2023

Petitioner :- Awadhesh Kumar Mishra

Respondent :- State Of U.P. Thru. Prin. Secy. Namami Gange And Rural Water Supply Deptt. Lko. And Others

Counsel for Petitioner :- Surya Prakash Singh

Counsel for Respondent :- C.S.C.,Mohan Singh,Rishabh Kapoor

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

1. Heard Shri Surya Prakash Singh, learned counsel for the petitioner, Shri Prakhar Mishra, learned Standing Counsel for the State, Shri Vijay Vikram, learned counsel for respondent no.4 and Shri Anandey Shashtri, Advocate holding brief of Shri Mohan Singh, learned counsel for the Gaon Sabha concerned.

2. Learned Standing Counsel on the basis of instructions has submitted that there is a dispute with respect to the land earmarked for water tank in one of the villages, therefore, water tank was proposed to be constructed at the site in question. It is, however, not disputed that other village is situated at a distance of 5 kms end to end. The capacity of water tank, according to the learned Standing Counsel, is such, that it can cater the supply of water to both the villages complaint free and the implementation of the scheme in this manner would equally facilitate the villagers of both the villages of the supply of

water. It is also pointed out that the cost for constructing a separate water tank as per the resolution of the village in question was beyond the permissible expenditure. Thus, the common facility was decided to be provided from one source by considering all these relevant aspects. It is made clear that the supply of water at no cost would stand affected on account of any apprehension as has been raised in the present writ petition.

3. Taking the instructions into consideration, we make it clear that the supply of water shall be made available to both the villagers in equitable and effective manner. For any denial of such service, it shall be open to the petitioner to make an application in the present writ petition, if at any point of time the grievance as stated to be redressed by the opposite parties survives after installation of water tank.

4. The instructions are taken on record.

5. In view of above, the Public Interest Litigation is **disposed of** finally.

Order Date :- 28.11.2023

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