

Serial No.02
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 474 of 2022

Date of Decision :18.04.2024

Smti. Pynhun Suchiang
D/o (L) Soren Lamare
R/o Nongrim Hills, Shillong
East Khasi Hills District,
Meghalaya.

...Petitioner

-Vs-

1. The State of Meghalaya
Represented by the Executive Engineer
(WR) Cum Member Secretary,
District Level Committee on Ground Water
Resources, East Khasi Hills District,
Shillong.
2. The Executive Engineer (PHE)
Hills Division, Shillong.

...Respondent

3. The Deputy Commissioner cum
Chairperson District Level Committee on
Ground Water Resources East Khasi Hills
District, Shillong.
4. The Superintending Engineer (PHE),
Rural Circle, Shillong.

...Proforma Respondents

5. Nongrah Dorbar Shnong Pyllun, Shillong
Represented by the Rangbah Shnong.

...Respondent

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge.

Appearance:

For the Petitioner/Appellant(s) : Mr. G.Syngkrem, Adv.
Ms. B.Rapsang, Adv.

For the Respondent(s) : Mr. H.Abraham, GA for R 1-4.
Ms. E.Wanniang, Adv. for R 5.

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| i) | Whether approved for reporting in
Law journals etc: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |
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JUDGMENT AND ORDER (ORAL)

1. The petitioner being aggrieved with the non-grant of permission on her application dated 19-07-2017, for drilling of borewell is before this Court by way of the instant writ application.

2. The materials as placed indicates that the permission of the writ petitioner was rejected vide letter dated 13-10-2022 (Annexure-VIII to the writ petition), on the ground that there was a presence of one PHED borewell at some distance from the proposed site of the borewell of the

writ petitioner. In the writ petition itself, at Annexure-IX, photographs had been annexed to show that the PHED borewell as on November, 2022, was still non-functional.

3. Mr. H.Abraham, learned GA for the respondent Nos. 1-4, at that point of time, had submitted that the PHED borewell was part of an ongoing scheme, and the moment that the power connection was given by the MeECL, the same would be functional and water supply would be provided to all the residents of the area.

4. Today, the learned GA has produced photographs that the borewell which is a component of the ongoing scheme, namely, Nongrah Water Supply Scheme, Phase-I, has been commissioned and is providing functional household tap water connection to all residents of the Nongrah village under the Jal Jeevan Mission (JJM) Scheme. Photographs have also been produced showing the connection being provided to the petitioner's residence, namely Suchiang Cottage. He therefore submits that, as the PHED borewell has since been commissioned, the need for a private borewell for the petitioner no longer exists. He prays that the matter be closed on the basis of his submission.

5. Mr. G.Syngkrem, learned counsel for the writ petitioner, though not denying the fact that the said borewell has been commissioned recently, however has submitted that the water supply is absolutely insufficient,

apart from being irregular. He submits that the necessity for the borewell still exists.

6. I have heard learned counsel for the parties, and examined the materials, especially the photographs produced by the learned GA as on 22-03-2024, about the commissioning of the borewell.

7. In this view of the matter, this Court deems it fit to close the matter at this stage, however, giving liberty to the writ petitioner to further pursue the matter with the authorities with regard to insufficient and irregular supply of water from the borewell.

8. Accordingly, the matter stands closed and disposed of.

9. Copy of the photographs dated 22-03-2024, are taken on board and made part of the record.

Judge

Meghalaya
18.04.2024
"Samantha PS"