



Serial No.03
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No.49/2024

Date of Order : 19.03.2025

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

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.
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.
5. Nongrah Dorbar Shnong Pyllun, Shillong represented by the Rangbah Shnong. Respondents

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Appellant	: Mr. G. Syngkrem, Adv with Ms. A.D. Syiem, Adv
For the Respondents	: Mr. H. Abraham, GA Mr. H.L. Shangreiso, Sr.Adv with Ms. M. Hajong, Adv for R/5

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| i) | Whether approved for reporting in Law journals etc.: | Yes |
| ii) | Whether approved for publication in press: | Yes/No |



Note: For proper public information and transparency, any media reporting this judgment is directed to mention the composition of the bench by name of judges, while reporting this judgment/order.

JUDGMENT: Per Hon’ble the Chief Justice (ORAL)

The appellant wants a private borewell in her place of residence. The respondent authorities have denied her permission to make this borewell, the ground being the existence of a public borewell, namely, PHED borewell to supply water to the premises of the appellant. The appellant’s complaint is that such supply is almost absent and that a private borewell is necessary. The respondent authorities maintain that the supply is sufficient.

On these questions of fact, the instant writ application was filed. It was disposed of by a judgment and order dated 18th April, 2024 by a learned single judge of this Court.

The writ petitioner appeals to us from that order.

We find no infirmity in the judgment and order passed by the learned single judge “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.”



Nevertheless, we are of the view that if the appellant is to be relegated to the respondents to decide the question, the appropriate authority to take the decision should be indicated. We are not minded to assign this task to the respondent Nos. 3 and 4 as, having already rejected the appellant's application they are likely to have a predisposed mind.

Accordingly, we direct the Secretary, PHE department, Government of Meghalaya, himself or by an officer designated by him to decide the following questions:

- (i) Is the supply of water from the PHED borewell sufficient to meet the requirements of the appellant?
- (ii) If insufficient, to what extent is it insufficient?
- (iii) If the finding is that the supply of the PHED borewell is insufficient then how could the required quantity of water by the appellant be met; by constructing a private borewell or by any other means?

The adjudicating authority should bear in mind that the requirement of water for drinking, washing toilet and other purposes is absolutely essential for a human being and that such right is now recognized under Article 21 of the Constitution of India.



The above adjudicating authority will bear the above observation in mind and answer the questions before it and pronounce a decision on water supply to the appellant by a reasoned order upon hearing the necessary parties within six weeks of communication of this order.

The impugned judgment and order is modified to the above effect.

The appeal is, accordingly disposed of.

No order as to costs.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice

Meghalaya
19.03.2025
"*Lam DR-PS*"