

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.12236 OF 2012

ORDER :

This Writ Petition is filed by the petitioner aggrieved by the action of the respondents 1 to 7 in not providing drinking water to the residents of Pandiguturu Village, Mudigolam Grampanchayat, Irala Mandal, Chittoor District.

2. Petitioner is a resident of the said village, wherein there are 42 houses. According to the petitioner in Lingareddi Cheruvu, which is located near the village, there is sufficient water and the State Government constructed a water tank with a capacity of 20,000 liters. According to the petitioner, after the said tank was constructed, pipelines were laid only to two streets in the village and no pipelines were laid to other streets and houses constructed under Indiramma Padhakam where 15 to 20 other houses were located.

3. Petitioner claims to be staying in a house constructed under Indiramma Padhakam. He alleges that no drinking water facility is provided to his house due to political rivalry in the village and they were deprived of drinking water supply. He placed reliance on Section 45(viii) of the A.P. Panchayath Raj Act, 1994 (for short 'the Act') which obligates the 7th respondent to provide protected water for drinking purpose to the residents within the area of the Gram Panchayath. He also placed reliance on proceedings dt.15.03.2011 of the Chief Executive Officer, (FAC) of the Zilla Praja Parishad, Chittoor wherein the said Official had stated that on 13.10.2010 sanction was granted to execute the work of laying pipelines for providing drinking water from the water tank to the area, where the petitioner is residing, at an estimated cost of Rs.60,000/- but the same was not executed due to

local circumstances and that no one was coming forward to execute the work, causing difficulties to the villagers to have drinking water. In proceedings dt.15.03.2011, the Chief Executive Officer directed the 6th respondent to take up the work through the Department and complete it immediately, keeping in view the public interest, to solve the drinking water problem and in spite of the said decision nothing has been done.

4. The Standing Counsel for 2nd respondent states that a bore well has been dug in the area where the petitioner resides and that the petitioner and other residents should quench their thirst from the said bore well. He also states that there is acute scarcity of drinking water.

5. The above contention of the Standing Counsel for 2nd respondent is contradictory to the counter filed by the 2nd respondent, wherein the 2nd respondent had categorically stated that there is no scarcity of drinking water and that the Government is ready to provide drinking water to all the houses of Pandiguturu Village.

6. It is strange that respondents 1 to 7 do not consider it necessary to provide drinking water to the residents of the village like the petitioner, in spite of a statutory duty cast on them under Section 45(viii) of the Act obligating them to provide drinking water facility and in spite of a decision taken as long back as on 13.10.2010 by the 2nd respondent sanctioning laying of pipelines in the village and the directions dt.15.03.2011 of the 2nd respondent to get the work executed through the Department. Obviously on account of local political equations, they have not acted and discharged their statutory duty of providing protected drinking water to all the residents of the village.

7. Therefore, the Writ Petition is allowed; the inaction of the respondents 1 to 7 in providing drinking water facility to the petitioner and other families staying in houses constructed under the Indiramma Padhakam of Pandiguturu Village by laying pipelines from the Water Tank is declared as arbitrary, illegal and violative of Articles 14 and 21 of the Constitution of India as well as Section 45(viii) of the Act; and the respondents 1 to 7 are directed to forthwith provide drinking water facility to the petitioner and others staying in the houses, constructed under the Indiramma Padhakam, in Pandiguturu Village from the water tank provided therein. The 7th respondent shall also personally pay costs of Rs.2,000/- to the petitioner within four (04) weeks from the date of receipt of a copy of this order.

8. Consequently, Miscellaneous Petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

18th February, 2016.
gra