

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CM-30-CWPIL-2022 in/and
CWP-PIL-189-2020(O&M)

Date of decision : 05.05.2022

Mahesh Kumar Gupta and others

.....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Mahir Sood, Advocate,
for the petitioners.

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

Mr. Ankur Mittal, Advocate,
Ms. Vasundhra Asija, Advocate, and
Ms. Kushaldeep Kaur, Advocate,
for respondent No.5.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

CM-30-CWPIL-2020

With the consent of learned counsel for the parties, hearing
of the main case is pre-poned for today.

Application is, accordingly, allowed.

CWP-PIL-189-2020 (O&M)

This petition has been filed by the petitioners allegedly in
public interest raising the issue of potable water to the residents of
Charkhi Dadri and regarding blockage of sewerage system.

This Court, vide order dated 15.12.2020, had directed the
State authorities to submit a status report in respect of supply of potable

water to the residents of Charkhi Dadri, as it was stated that the matter was urgent in that regard.

The State of Haryana has filed status report by way of an affidavit of the Executive Engineer, PWD Public Health Engineering Division, Charkhi Dadri, mentioning therein the steps taken by the authorities for supply of potable water. The relevant part of the status report reads thus :

“8. That it is respectfully submitted that in addition to the aforesaid at times water from Tubewell is also used to achieve the average daily supply. In order to facilitate the water supply in the town, the town has been divided into 88 zones which are attached with different water works. As explained above, the supply of water depends on the availability and supply from canal, therefore, endeavor is made to supply water to meet per capita per day supply as calculated above. Earlier water was supplied on alternate days as on one day water was supplied to 44 Zones and on other day water was being supplied to left over 44 Zones. However, considering that the water was being supplied on alternate days, on single day the measures were taken to supply twice the water required per capita per day, i.e. to mean if daily per capita supply comes to 140 LPCD, then in a single day itself 280 LPCD was being provided. However, now considering the grievances of the residents to regular the supply of water, out of 88 Zones 56 Zones are being supplied on daily basis, however rest of the zones are still being supplied water on alternate days owing to the fact that there is a need to provide separate pipeline for boosting stations and zones, which is absent as of now, in order to regularize the water supply in rest of zones as well and for the same an estimated budget of Rs. 3908.55 lakhs has been sent for administrative approval for augmentation of water supply scheme by providing raw water pump station, renovation/upgradation of existing structures District Charkhi Dadri. In the meantime,

when the water is being supplied on alternate day basis, as stated aforesaid, twice the estimated water supply for single day is being given so as to meet the requirements of two days. True copy of the estimate budget sent for approval is annexed herewith as Annexure R-1 for the kind perusal of this Hon’ble Court.

9. That it is respectfully submitted that at present the estimated water supply for 88 zones is given herein below:-

S. No.	Name of w/w	Pump set (HP)	Discharge (LPM)	Running Hrs.	Daily water supplied (Ltr)	Population		Status of water supply (LPCD)
						2011	2022	
1	Champa-puri	150	5000	18	18 x 60 x 5000 = 5400000	56337	74728 + 10 % extra = 82200	1215000082200 = 147
2	Champa-puri	75	3500	11	11 x 60 x 3500 = 2310000			
3	Kapoori	60	4000	18.5	18.5 x 60 x 4000 = 4440000 Total : 12150000			

10. That it is respectfully submitted that as far as the grievances regarding sewage system and blockages in the sewerage alongwith contamination of drinking water is concerned, it is respectfully submitted that such problems are being faced owing to two major reasons, firstly it is for the residents to lay down the pipes for personal connection of water supply and more often they use black PVC pipes as against recommended galvanized iron pipe. Black PVC pipes are easily destructible and with time gets withered away, therefore, more often the residents faces problem of leakages.

11. That it is respectfully submitted that the other main reason of sewerage blockage is that the debris, stones and other construction material is thrown in the drainage and it was found that the drains laid down by the Municipal Council have been connected with the sewage man holes without any permission from the department and neither any silt catch pit has been installed nor proper screens have been placed which leads to choking of sewerage system as the garbage, plastic bottles etc., vegetable waste are directly thrown in the sewer

system. In this regard the Municipal Council has been requested several times to remove the connection of the drains from sewer system and to cover the drains with proper screens and clean all major drains, however, no substantial steps in this regard have been taken on their behalf. True copies of the letters sent to Municipal Council are annexed herewith as Annexure R-2 for the kind consideration of this Hon'ble Court.

12. That it is respectfully submitted that the problem of choking of sewer system exaggerates as the storm water drainage and disposal of rain water is done through sewerage system only and there is no separate system available in the town at present for sewer disposal. The throwing of garbage and non-biodegradable waste in the state adds to the problem. It is submitted that in order to resolve the problem the proposal has been made for providing storm water sewer and disposal at Charkhi Dadri Town and estimated budget has been sent for approval to the Government. True copy of the estimated budget sent for approval is annexed herewith as Annexure R-3 for the kind consideration of this Hon'ble Court."

From the above, it is evident that the State authorities are now supplying potable water to the residents of Charkhi Dadri. It is, however, pertinent to note that though these functions are essential on the part of the State authorities, but it appears that regarding blockage of sewerage system, no steps have been taken by Municipal Council, Charkhi Dadri. When questioned in this regard, learned counsel for the petitioners has pointed out that the SDM, Charkhi Dadri, who is the Administrator of Municipal Council, Charkhi Dadri, has lodged an FIR against the Executive Engineer of the Public Works Department, Charkhi Dadri. It defies the logic that rather than taking up the issue to its logical end while performing the duties that have been imposed upon him under

the statutory provisions of the Haryana Municipal Act, 1973, he has lodged an FIR against the Executive Engineer of the State Government. It is also evident that the petitioners themselves are former Municipal Councilors of Municipal Council, Charkhi Dadri, whereas the status report submitted by the State authorities indicates that Municipal Council, Charkhi Dadri, is actually responsible for the contamination of drinking water on account of the fact that they have connected the sewerage drainage with PVC pipes and permitted citizens to take water through PVC pipe lines, which has led to contamination of the drinking water. Nothing has been placed on record to indicate the efforts made by Municipal Council, Charkhi Dadri in this regard. In these circumstances, as the emergent and urgent issue of supply of potable water has been addressed in terms of the status report filed before this Court and it is stated that the budget estimates for laying down drinking water pipe lines as well as sewage pipe lines have already been sent to the authorities, which are pending approval, and steps in this regard are under process, we do not find any reason to entertain the present petition.

The petition is, accordingly, dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

May 05, 2022
ndj

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No