

31.07.2023
Item No.14
gd/ssd

WPA(P)/396/2023

CHAPIYAR RAHAMAN
VS
STATE OF WEST BENGAL AND ORS.

Ms. Suman Sehanabis (Mondal),
Mr. Swaraj Naskar
..for the Petitioner.

Mr. Lalit Mohan Mahata,
Mr. Rudranil De
..for the State.

1. By this public interest litigation the petitioner seeks for a direction upon the respondents to set up a tube well and pump house in the lands in Dag Nos.405 and 396 of Mouza-Souderbosh, J.L. No.68 which, according to the petitioner, had been identified by the authorities and in this regard, the learned advocate for the petitioner has referred to the various documents and in particular, the proceedings of the Assistant Engineer, Mathabhanga Sub-Division, PHE Directorate addressed to the Block Land and Land Reforms Officer, Mathabhanga-II Block dated 25.05.2022.

2. The Executive Engineer, Cooch Behar Division, PHE Directorate has filed a report dated 28.07.2023 from which it is seen that the lands of

Ashikur Alam and Abdul Kuddus are located in the southern-farthest and this site of the command area does not satisfy the condition in respect of smooth running of drinking water supply as per the guidelines of Jal Jeevan Mission. Further, it is stated in the interest of the general public of that locality and considering the smooth flow of water supply, separate lands belonging to Harendra Nath Barman and Chhaleman Miyan have been identified and finalised as per design of pipe line and after getting others relevant paper from local authority as per departmental guideline.

3. So far as this court is concerned, the court cannot issue direction as to in which place the tube well has to be installed all that the court should be provided uninterrupted drinking water facility and, therefore, we direct the Executive Engineer, Cooch Behar Division, PHE Directorate to comply with what he has stated in his report dated 28.07.2023, obtain the requisite approvals from the local authorities and after following the departmental guideline, establish tube well and provide uninterrupted water supply to the public of the area.

4. This direction shall be complied with within a period of two months from the date of receipt of the server copy of this order.

5. With the above observations, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)