

THE HON'BLE SRI JUSTICE C.V. BHASKAR REDDY

Contempt Case No.744 of 2021

and

Writ Petition No.22920 of 2019

COMMON ORDER:

The Contempt Case and Writ Petition are being disposed of by this Common Order.

2. This Contempt Case is filed by the petitioner alleging wilful disobedience of the order dated 23.04.2021, passed in Interlocutory Application No.1 of 2019 in Writ Petition No.22920 of 2019, by a learned Single Judge of this Court.

3. Initially, Writ Petition No.22920 of 2019 is filed by the petitioner seeking a Writ of Mandamus to declare the inaction of respondents in not considering the representation dated 17.09.2019 submitted by the petitioner as illegal, arbitrary and unconstitutional; and consequently to direct the respondents to provide drinking water tap connection to the house bearing No.4-68/52/5, Hanumanthapur, Naremtta Mandal, Jangaon District.

4. It is the case of petitioner in the Writ Petition that he has submitted a representation dated 17.09.2019 stating that the Government has introduced the beneficial scheme called “Mission Bageeratha” for providing drinking water supply connection to every household in Hanumanthapur and other adjacent villages. But, so far the petitioner’s house is concerned, the respondents have not given water supply connection. Aggrieved thereby, the petitioner has filed Writ Petition No.22920 of 2019 before this Court.

5. This Court, vide order dated 23.04.2021, passed in Interlocutory Application No.1 of 2019 in Writ Petition No.22920 of 2019, directed the respondents to consider the representation dated 23.04.2021 and provide drinking water connection to the petitioner house.

6. Alleging non-compliance of the order dated 23.04.2021, passed in Interlocutory Application No.1 of 2019 in Writ Petition No.22920 of 2019, the present Contempt Case has been filed by the petitioner.

7. Learned counsel for the 2nd respondent contended that in compliance of the order passed by this Court dated 23.04.2021, passed in Interlocutory Application No.1 of

2019 in Writ Petition No.22920 of 2019, the respondents have considered the representation of the petitioner and the respondents have also passed order to that effect on 06.05.2021 rejecting the claim of petitioner for grant of drinking water connection to the petitioner's house.

8. Learned counsel for the 2nd respondent has also placed before this Court a copy of the rejection order, which is reproduced as under :

“With the reference cited, the Hon’ble High Court in Writ Petition No.22920 of 2019 in which I.A.No.1 of 2019 ordered to provide water connection to the applicant.

With the above subject cited, it is to inform you that your request for providing drinking water connection to H.No.4-68/52/5 in Survey No.243, Hanmanthapur, Narmetta Mandal, in Jangaon District was not completed due to the following reasons :

- 1. Your House No.4-68/52/5 is located about 1 kilometer away from the existing distribution network of the village.*
- 2. As per the topographical view your house is located in your own field and it is higher elevated place than the village.*
- 3. We provide with in the village ½ inch tap connection for every household, but your house is 1 km far away from the village. Hence, it is not feasible to provide ½ inch tap connection.*

4. *The individual is requested, tap connection from which is passing through pipeline adjacent to his field. But, it is a Trunk main with full of pressure, bulk water supply to many villages. Hence, we could not provide water connection from the Trunk main.”*

9. Aggrieved by the same, the petitioner has filed the present Contempt Case on 21.06.2021.

10. The contempt case has been admitted against the respondents on 02.07.2021. Thereafter, the respondents have passed the impugned rejection order dated 06.05.2021.

11. Therefore, in view of above, this Court is of the considered view that since the grievance of petitioner has been considered by the respondents and the same had been rejected by passing the impugned rejection order dated 06.05.2021, the petitioner is having fresh cause of action to file a separate Writ Petition for taking appropriate steps available in law.

12. Accordingly, the Contempt Case and the Writ Petition are closed giving liberty to the petitioner to take appropriate steps questioning the rejection order dated 06.05.2021. No costs.

13. As a sequel, miscellaneous applications pending if any in this Contempt Case and Writ Petition, shall stand closed.

C.V. BHASKAR REDDY, J

Date : 20.01.2023
Ndr