

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writs No. 11153/2011

Suo Motu

-----Petitioner

Versus

State Of Raj

-----Respondent

Connected With

D.B. Civil Contempt Petition No. 1364/2012

Ramesh Meena And Another

-----Petitioner

Versus

C K Mathew And Others

-----Respondent

D.B. Civil Writs No. 14139/2017

Khem Karan Singh Toli

-----Petitioner

Versus

State Of Raj And Ors

-----Respondent

D.B. Civil Writs No. 6512/2017

Lok Sampati Sanrakshan Samiti

-----Petitioner

Versus

State Of Raj And Ors

-----Respondent

For Petitioner(s)	:	Mr.Virendra Dangi, Sr. Adv. with Ms.Nidhi Khandelwal] Mr.Ashok Bhargava] Members of the Monitoring Committee Mr. PC Bhandari Mr.Saransh Saini Mr.SP Singh for Mr.Karanpal Singh Mr.PN Maindola – Petitioner (self)
For Respondent(s)	:	Mr.GS Gill, AAG with Mr.HC Kandpal Mr. Surya Pratap Singh for Mr.Rajendra Prasad, AAG Ms. Vandana Sharma, Dy.G.C. Mr.Ashok Mehta, Sr. Adv. with Mr.Mudit Singhvi Mr.Bhupendra Sharma for Mr.Akhil

Simlote
Mr.Amit Kuri
Mr.Bipin Gupta
Mr. Harshvardhan Nandwana
Mr.Dinesh Chand Gupta
Mr. Mahesh Chand Gupta
Mr.PK Singh
Mr.Raghuveer Meena for Mrs.Naina Saraf

Mr. DB Gupta, Chief Secretary, Govt. of Rajasthan
Mr.Shikhar Agarwal, Principal Secretary, Water Resources Deptt. & Revenue,
Principal Secretary, PRRD,
Ms. Urpana Arora, Secretary, Mines & Chairman, Pollution Control Board,
Mr. Siddharth Mahajan, Collector,
Mr. Birdi Chand Gangwal, DC-Zone-13, JDA,
RO, Balotra & RO, Pali
Mr. CS Ratnasamy, PCCF (HOFF)
Mr. Shailaja Deval, CF (WL), Jaipur – present in person

HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI
HON'BLE MR. JUSTICE DINESH CHANDRA SOMANI

Order

26/07/2018

Pursuant to the directions of this court, the Chief Secretary, Government of Rajasthan along with officers of respective departments are present.

Learned Additional Advocate General Shri GS Gill has filed compliance report to show implementation of the judgment of this court.

It is stated by the Members of the Monitoring Committee that compliance of the order of this court has not been made. The reference of Jaipur District has been given. Jaipur District is having thirty-one dams, out of which, only three are having water.

The water in twenty eight dams is not coming due to failure of the administration. The three dams are getting either sewage water or water discharged by the Textile Industries thus even fresh water gets polluted and, thereby, even water in Kanota, Chandlai and Nevta Dams is not potable. It is not even usable for cattle or agricultural purposes. This is due to failure of the administration to put sufficient Sewage Treatment Plants (in short "STPs") to treat sewage or polluted water. The STPs so installed, either are under capacity or have not been maintained properly resulting in discharge of untreated water. The position has thus become bad to worse.

It is further stated that even for other areas of the State of Rajasthan, the position is similar to that of Jaipur District. It is urged by the Members of the Monitoring Committee that respondents should come out with total number of dams in the State of Rajasthan along with their present position as to whether they are having water or not and if no water or insufficient water exist, the reason thereof.

The Chief Secretary, present in the court along with other officers, submits that further action in the matter would be taken in consultation with the Members of the Monitoring Committee. For the aforesaid, a meeting with the Members of the Monitoring Committee and other counterparts would be conducted at the earliest. The implementation of the order of this court would not now be made on papers but in reality. If anybody has been allotted land or made encroachment on the land of catchment area of a river, dam, nala or any other reservoir, it would not only be removed but the officers making allotment would also be taken to task. All required actions would be taken in the matter so that

untreated water may not go to any of the dams/reservoirs. He prays for one month's time to come out with the proper plan for the entire State so that not only the reservoirs are saved but would be made workable by removing the encroachments in the catchment areas.

The matter pertaining to Bharatpur District has also been heard. Mr. GS Gill, learned Additional Advocate General prays for two days' time to file reply in four cases, out of six. Let reply be filed within two days. Learned counsel appearing in those cases may file counter, if desired. In the remaining two cases, reply would be filed within one week. No excuse would be accepted for non-filing of reply. If record is to be collected, it would be on priority basis.

Learned Additional Advocate General is further directed to come out with the trace map of the area in question so as to find out the total area of City Flood Control Drain and any other area contributing for it along with revenue map so that it may be superimposed to find out the actual area to see how many encroachments exist. It is further directed to show as to whether removal of the encroachments is in discrimination, as alleged by learned counsel appearing for the applicants so as non-applicants and to explain the reason therefor.

Accordingly, let these cases, at the first instance, be listed on the applications, on 9th August, 2018 for further hearing and the main cases on 30th August, 2018.

(DINESH CHANDRA SOMANI),J

(M.N. BHANDARI),J