

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 7793/2026

M/s Cr Construction Company

-----Petitioner

Versus

Union Of India

-----Respondent

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For Petitioner(s)	:	Mr. Pradeep Mathur
For Respondent(s)	:	Mr. Bharat Vyas, ASG through VC assisted by Mr. V. P. Mathur Ms. Mahi Yadav, AAG

HON'BLE MR. JUSTICE SAMEER JAIN
Order

01/05/2026

Having heard the submissions made, and upon a perusal of the material available on record, this Court is of an opinion that there present matter is of an unequaled and unique nature, wherein the Indian Railway Department has invited applications from private entities, in pursuance to tender for supply of 'drinking water', due to unavailability and shortage with the railway department. The fact that supply of safe drinking water falls under the ambit of State, as the same is one of the fundamental requirements for human survival, as also articulated under the provisions of Article 21 of the Constitution of India; whether private parties can procure the same, concomitantly when the

State authorities are of a stern view that there is shortage of the same with the State instrumentalities, is ought to be scrutinized by this Court.

Learned Additional Solicitor General has submitted that repeated reminders were given to the State-PHED Department but a deaf ear was granted, and thus the Railway Department was compelled to issue the tender in question and work order qua supply of drinking water at Phulera Railway Junction, and nearby residential areas.

Taking note of the foregoing facts and circumstances, let notices be issued to the respondents.

Let appropriate reply be filed by the respondents.

Learned counsel for the petitioners is directed to implead the State-PHED Department as party respondent and file amended cause title.

Further, an advance copy of present petition and relevant documents be supplied in the office of counsel representing the PHED.

It is also directed that a copy of the petition be supplied in the office of Ms. Mahi Yadav, AAG, during course of the day.

List these matters on 08.05.2026 in the supplementary cause-list.

Mr. Jai Lodha, advocate is appointed as *amicus curiae* to assist the Court, in the instant matter. A copy of relevant documents be also supplied to the learned counsel.

(SAMEER JAIN),J