

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 12479/2022

Ramkesh Meena

----Petitioner

Versus

State Of Rajasthan & Others.

----Respondents

Connected With

1. D.B. Civil Writ Petition No. 14825/2020

2. D.B. Civil Writ Petition No. 13380/2022

For Petitioner(s)	:	Mr. Mahendra Singh, General Secretary, Gramotthan Sanstha
For Respondent(s)	:	Ms. Sheetal Mirdha, Additional Advocate with Mr. Prateek Singh. Mr. Ankit Kumar Singh, Collector. Mr. Narain Togar, Superintendent of Police. Mr. S.K. Kathania, Superintendent Engineer, Water Resource Development.

HON'BLE THE ACTING CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

23/02/2023

Heard.

This Court sought explanation from the officers who are present in the Court as to why the water is not being released through Lift Irrigation Project already constructed, which is the grievance ventilated through this petition.

Learned Additional Advocate General would submit that in the near by area and villages where the present Lift Irrigation Scheme is not going to benefit, agitation is going on opposing operation of the present scheme until they are also benefited.

According to the Superintendent Engineer, who is present in the Court, the present Lift Irrigation Scheme if operated would benefit 13 villages. He states that a proposal for construction of another Lift Irrigation Project has been prepared and sent to the State Government on 14.10.2022 and the matter is pending consideration before the State Government. He submits that once this project is operated after construction, it will benefit another set of 8 villages in times to come.

The Collector and Superintendent of Police on the basis of their own input state that the group of persons who are agitating and opposing operation of already prepared Lift Canal are residents of 39 villages, which includes 13 villages as stated above.

Petitioner in person submits that the residents of the villages, for whose benefit the Lift Irrigation Scheme has already been constructed and is yet to be operated, are in dire need of supply of water.

From the material on record, the statement which were made before us on the previous date as also those statements which have been made before us today, it is quite apparent that agitation by the residents of the villages against operation of the existing Lift Irrigation Scheme is that the Scheme for supply of water through similar Lift Irrigation Scheme has not been operated for their benefit.

The root of the problem lies in demand for supply of water by residents of another set of villages. It is stated that the proposal for construction of another set of Lift Irrigation Project

has been forwarded to the State Government which may take some time.

Learned State counsel would submit that a short time may be granted to seek instructions in the matter and inform the Court regarding further development.

In the meantime, the administration is required to assess the situation.

On the next date of hearing, the State should be in a position to place before the Court a concrete proposal so that appropriate directions may be issued in the case. We may observe that ideally speaking once a project has been prepared, all efforts should be made to ensure that water supply system is operational and those who could get benefit on the ground of supply are not deprived of water supply. Considering that start of operation of the water supply system through Lift Irrigation Scheme may create law and order situation, we are inclined to give a very short time to the State to respond to this situation.

List these cases on 10.03.2023 along with D.B. Civil Contempt Petition No.26/2023 for further orders.

(ANIL KUMAR UPMAN),J

(MANINDRA MOHAN SHRIVASTAVA),ACTING CJ