

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

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

Ramkesh Meena Son Of Shri Moolchand Meena

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

Connected With

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

Gramotthan Sanstha

-----Petitioner

Versus

The State Of Rajasthan

-----Respondent

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

Gambheer Nadi Jal Bachav Samiti

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

D.B. Civil Contempt Petition No. 26/2023

Gramotthan Sanstha,

-----Petitioner

Versus

Smt. Usha Sharma,

-----Respondent

For Petitioner(s) : Mr.Deepak Sharma in CWP No.14825/2020 and CCP No.26/2023.

For Respondent(s) : Mr.Basant Singh Chhaba, Additional Advocate General assisted by Mr.Hardik Singh, Adv. & Ms.Shruti Pareek, Adv.
Mr.Kuldeep Singh Rathore, AAAG and Mr.Rohan Mittal, Adv. for State.

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE SHUBHA MEHTA

Order

05/03/2026

1. On 23.02.2023, the Officers including the Superintendent Engineer of the Water Resources Department was present and he

has stated that one Lift Irrigation Project has already been constructed which would benefit 13 villages. However, the other residents of the nearby villages are opposing the operation of the Lift Canal claiming that they too should be benefited and water should be supplied to one and all. The Court realized and observed that as under:-

"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."

2. On 29.03.2023, the Court found that the proposal for construction of another set of Lift Irrigation Project forwarded to the State Government was rejected and as on that date, there was no other scheme in the area for water supply. The Court, therefore, passed an order that so far as the present water supply system is concerned, which had already been developed, should

be made operational, with further directions that all those who are coming in way of irrigation system need to be dealt with strictly by the administration. Further, any step of obstructing the supply of water shall be taken as an act of violating the directions issued by this Court and appropriate proceedings may also be operationalised against those who are creating obstruction. The Court observed as under:-

"We are of the view that once the supply system has already been developed, irrigation facility ought to be extended to the needy persons and the same cannot be deprived merely because a group of persons is opposing the same and extending threat. All those, who are coming in the way of irrigation system, need to be dealt with strictly by the administration. Further, any step of obstructing the supply of water shall also be taken as an act of violating the directions issued by this Court as appropriate proceedings may also be operationalized against those, who are creating obstruction in implementation of the directions issued by this Court in the present case."

3. The Court further directed that the State Counsel to inform the steps taken to operationalise the water supply/irrigation system.
4. The Officers were present in the Court on 18.12.2024. It appears that no further proceedings were taken up on that date and merely, their presence was exempted. Since then, this case has not come up before the Court.
5. Today, learned Additional Advocate General Mr.B.S. Chhaba appearing for the Department submits that there is a dispute between the villagers, and the State Government is unable to sort out the dispute between the villagers and in the garb of dispute

between the villagers, the State Government is not supplying water to any of the villages.

6. Learned AAG further refers to the misc. application filed for recalling of order passed in the year 2022. More than four years have lapsed since 2022 and we find that even till date the project has not resulted in releasing of water to the citizens of the area.

7. The Irrigation facilities are required for one and all. This Court would not allow the Government officials to take excuses on the basis of political will of the concerned region. Merely because some groups of persons are opposing a scheme would not be sufficient to withhold the scheme. Moreover, we find that the Lift Irrigation Scheme and the Canal had already been constructed since 2005 and a huge amount has been spent of the public exchequer. The State officials would, therefore, be responsible to see that the concerned scheme i.e. the water supply system through Lift Irrigation Scheme is made operational.

8. The present Superintendent Engineer of the Water Resources Department shall file the status report and inform this Court as to why the project was not made operational inspite of aforesaid directions issued on 23.02.2023 by this Court.

9. List these cases on 18.03.2026.

(SHUBHA MEHTA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ