

WP No. 902/2008(PIL)

07/09/2015

Petitioner No.1- Shri S. K. Sharma is present in person.

Shri Vishal Mishra, learned Deputy Advocate General for respondents No. 1, 2 and 4/ State authorities.

Shri PD Bidua, learned counsel for respondent No.3- Municipal Corporation.

Shri Yogesh Chaturvedi, learned counsel as *amicus curiae* of the matter.

Shri PS Baghel, Superintending Engineer, Water Resource Department, Gwalior Division; Shri RN Mohair, Superintending Engineer, PHE Department, Gwalior Division and Shri Ajay Gupta, Commissioner, Municipal Corporation Gwalior are present in person.

IA No. 5781/2015, an application on behalf of respondent No.3 for giving the exemption to the senior officers from their personal appearance on 21-08-2015 is disposed of as it does not require any further consideration. Accordingly, another application (**IA No.5415/2015**), for giving exemption to aforesaid senior officer Shri PS Bhagal from his personal appearance on 07-08-2015, is disposed of as it does not require any further consideration.

Heard on **IA No.5416/2015**, an application on behalf of the respondents No. 1, 2 and 4/ State authorities for taking the

annexed documents on record. Same appears to be relevant in the matter. Hence, by allowing the IA, the same are taken on record.

IA No. 1912/2013 despite making efforts could not be traced out by the Reader as well as by the Court. Hence, office is directed to place this matter on next hearing by flagging such IA. This IA is required because the same has been filed to place the objection on record in respect of some report dated 26/06/2013.

Also heard **IA No.4754/2015**, an application filed on behalf of Shri SP Sharma to join the petition as one of additional petitioners.

Having perused the IA, for the reasons stated in it supported by an affidavit, by allowing the IA, Shri SP Sharma is permitted to join this petition as petitioner No.8.

On asking petitioner No.1- Shri SK Sharma, to submit his submission on IA No.3008/2015, an application for directing the respondents to take proper steps for equal distribution of drinking water, on which he seeks short adjournment for further preparation of the matter to make the submission on this IA. So, hearing of this IA is hereby deferred.

In response of the compliance reports submitted on behalf of the respondents, *amicus curiae* Shri Chaturvedi,

submits that proper account with respect of sum allotted by the State Government to the Municipal Corporation has not been placed on record on behalf of the respondent No.3. In this regard, on making certain query from the counsel of respondent No.3 Shri Bidua, on which he seeks for and is granted a period of fifteen days to place the explanatory report regarding the aforesaid sum, which has been allotted and received from the State Government to the Municipal Corporation. Such counsel is directed to file such report along-with affidavit of senior officers of Municipal Corporation. He is further directed to give the explanatory report that on the head of water supply to the public at large to the township of Gwalior, how much amount has been kept in the Budget.

Petitioner No.1-Shri SK Sharma as well as *amicus curiae* Shri Chaturvedi apprised us that now-a-days alternate water supply is being given to the public by the Municipal Corporation and in the lack of regular supply of water, the citizens of Gwalior are facing grave problems in regular course of life, on which asking Shri Gupta, the Commissioner of Municipal Corporation why regular water supply is not being given to the public, on which he submits that looking to the availability of water in the Tighra Dam, water through Kaketo and Pehsari is being supplied to the public at large and in continuation, he

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said that Kaketo and Pehsari are under management of Water Resource Department and if such Department is ready to maintain the water level of Tighra Dam, then the Municipal Corporation is ready and willing to supply regular water supply to the public of Gwalior at large.

In view of such submission of the Commissioner of Municipal Corporation, on asking Superintending Engineer, Water Resource Department Shri PS Baghel that what is the difficulty to maintain the water level of Tighra Dam from the aforesaid other two dams under the management of Water Resource Department, then firstly he said that because of short rainfall, Kaketo and Pehsari could not get filled upto reserve level and in such premises, at present he is not in a position to make any submission and seeks short adjournment of fifteen days to make the statement in this regard after discussion of other officials and technicians of his Department. In such a situation, Shri Baghel is directed to file the elaborate report in this regard along-with the affidavit within fifteen days. Meanwhile, he may discuss from the other officials and technicians of his Department.

Apart from the aforesaid, the Commissioner, Municipal Corporation is also directed to trace out the possibilities keeping in view all the availability of water sources of Municipal

Corporation to supply regular water to the public of Gwalior and submit the report in this regard within the aforesaid period of fifteen days.

Apart from the aforesaid, Shri Chaturvedi, *amicus curiae* during his argument has pointed out some in-discriminatory contentions of the authorities in their compliance reports. He is directed to place such contradictory information point-wise in the shape of the application on record within fifteen days.

Let this matter be placed on **13/10/2015**.

Office is specifically directed to place this matter on next hearing by flagging the above-mentioned IA in both sets of the file.

Considering the prayer of counsel of respondent No.3- Municipal Corporation as well as of Deputy Advocate General, the senior officers present, are exempted from their personal appearance on the next hearing, with a direction whenever their presence is required, they will remain present before the Court.

Typed copy of this order be supplied free of costs to all the counsel during the course of day.

(U. C. Maheshwari)
Judge

(Sushil Kumar Gupta)
Judge