

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE THE CHIEF JUSTICE SRI VIPIN SANGHI
AND
THE HON'BLE SRI JUSTICE RAMESH CHANDRA KHULBE

WRIT PETITION (PIL) NO. 109 OF 2022

3rd AUGUST, 2022

Between:

Ratanmani Dobhal Petitioner

and

State of Uttarakhand & others Respondents

Counsel for the petitioner : Mr. Yogesh Kumar Pacholia,
learned counsel

Counsel for the respondents : Mr. S.S. Chauhan, learned Deputy
Advocate General for the State of
Uttarakhand / respondent Nos. 1
to 4

The Court made the following:

ORDER: (per Hon'ble The Chief Justice Sri Vipin Sanghi)

The petitioner has preferred the present writ petition in public interest. The petitioner highlights three projects which the respondent Irrigation Department had undertaken, namely: -

- i) Construction of irrigation canal for re-use of treated water of Jagjitpur sewage treatment plant

(STP) of Haridwar district under state sector (NABARD) costing of Rs.2365.39 lakh;

- ii) Central Sponsored (GFCC) scheme, construction of flood protection works along the left bank of river Solani (UK-13) in Laksar Block in Haridwar district costing of Rs.2260.57 Lakh;
- iii) Construction of Subhash Garh Irrigation Canal under AIBP in Haridwar district costing Rs.695.98 Lakh etc.

2. The petitioner states that these projects have not been completed even though vast amount of money has been expended, and the said projects have failed. The petitioner has placed on record the enquiry reports conducted by the respondents themselves in relation to the first two projects aforesaid, which bring out the gross irregularities in the manner in which the projects were undertaken. These preliminary reports also highlight the role played by respondent Nos. 5 and 6, namely, Dinesh Chandra, the then Chief Engineer Level II, Uttarakhand Irrigation Department, Haridwar and Rakesh Kumar Tiwari, the then Superintendent Engineer, Irrigation Work Circle, Haridwar.

3. The submission of learned counsel for the petitioner is that the first of the aforesaid projects was to divert the treated water of Jagjitpur sewage treatment

plant of Haridwar District. Failure of the said project is resulting in the sewage being discharged in the river Ganga. The issues raised by the petitioner are serious, and needs immediate attention of the respondent authorities.

4. Mr. S.S. Chauhan, learned Deputy Advocate General for the State, appears and accepts notice on behalf of respondent Nos. 1 to 4.

5. Let notice be issued to respondent Nos. 5 and 6 returnable on 18.10.2022.

6. We direct the respondent Nos. 1 to 4 to file their counter-affidavits. The counter-affidavits should specifically deal with the enquiry reports placed on record by the petitioner as Annexures 7, 8 and 10, respectively. The respondents should also disclose as to what steps are being taken to complete the projects. Discharge of sewage water into river Ganga is a serious concern, and the same should stop forthwith. We direct the respondents to put in place alternate arrangements till the first project is completed. The proposal in respect thereof should also be placed before the Court in the counter-affidavit. The counter-affidavit should disclose as to what action has been taken against respondent

Nos. 5 and 6, and all others, who are responsible for the failure of the aforesaid three projects.

7. Counter-affidavits be filed within four weeks. Rejoinder before the next date of listing.

8. List the matter on 18.10.2022.

9. Urgent copy of this order be supplied to the learned counsel for the parties, during the course of the day, as per Rules.

VIPIN SANGHI, C.J.

R.C. Khulbe, J.

Dt: 03rd AUGUST, 2022
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