

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE THIRTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR

: PRESENT:

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE ANIL KUMAR JUKANTI

WRIT PETITION NO: 1615 OF 2005

Between:

P.R. Subas Chandran,

Petitioner

AND

1. The Commissioner and Special Officer,, Municipal Corporation of Hyderabad, Hyderabad.
2. The Managing Director, Hyderabad Metro Water Supply and Sewarage Board, Hyderabad.
3. The Secretary to Government of Andhra Pradesh, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
4. The Secretary to Government of Andhra Pradesh, Panchayat Raj and Rural Development Department, Secretariat, Hyderabad.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased issue an Order, direction, or a Writ, more particularly one in the nature of Writ of Mandamus to call for the records and remarks from the Respondents herein relating to non-availability of water in Andhra Pradesh, in general, and twin citites, in particular and to pass appropriate orders directing the concerned authorities to protect the people of Andhra Pradesh from dying without water and to save water, a drying and dying resource, by taking the necessary steps for procurement of water and to regulate its usage of water;

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri D. Prakash Reddy, learned Amicus Curiae, Sri Mohd. Imran Khan, Additional Advocate General, Sri Ch. Jaya Krishna, Advocate representing Sri K. Ravinder Reddy, learned Standing Counsel for the respondent No. 1 and Sri G. Narender Reddy, learned Standing Counsel representing for respondent No. 2 and Sri V. Siddhivardhana, learned Special GP attached to the office of Advocate General for the respondent No. 3 & 4, the Court made the following

ORDER:

Mr. D.Prakash Reddy, learned Amicus Curiae.

Mr. Mohd. Imran Khan, learned Additional Advocate General for the

State.

Mr. Ch.Jaya Krishna, learned counsel representing Mr. K.Ravinder Reddy, learned Standing Counsel for the Greater Hyderabad Municipal Corporation for the respondent No.1.

Mr. G.Narender Reddy, learned Standing Counsel for the Hyderabad Metropolitan Water Supply and Sewerage Board for the respondent No.2.

Mr. V.Siddhivardhana, learned Special Government Pleader attached to the office of the learned Advocate General for the respondents No.3 and 4.

This writ petition has been taken up in pursuance of a letter dated 25.01.2005 addressed to this Court by one Mr. P.R.Subas Chandran, Journalist, highlighting the problem of non-availability of water in the State. Directions were sought to the authorities to implement the measures to conserve and regulate the usage of water.

The notices were issued to the respondents.

The respondents thereafter have filed the counter affidavits and have also filed additional counter affidavits.

A Bench of this Court, by an order dated 27.06.2005 had directed the Government to form an Expert Committee to examine the entire aspect and suggest measures and thereafter the report has been submitted by the Expert Committee.

We have heard Mr. D.Prakash Reddy, learned *Amicus Curiae* in detail.

Mr. V.Siddhivardhana, learned Special Government Pleader attached to the office of the learned Advocate General, submits that the writ petition has been rendered infructuous.

The aforesaid submission, in the context of the relief as well as the measures which are required to be taken to conserve and regulate water, is rejected.

We have perused the reports submitted on behalf of the respondents as well as by the learned *Amicus Curiae*.

In the light of the aforesaid, we issue the following directions to the respondents:

i) The Principal Secretary, Municipal Administration and Urban Development Department, Government of Telangana, shall ensure that one time exercise is undertaken to identify all the structures which do not have Rain Water Harvesting Structures (RWHS) and to take appropriate action.

ii) The Principal Secretary, Panchayat Raj and Rural Development Department, is also directed to ensure that the provisions of the RWHS is put in place in urban local bodies.

iii) The State Government is also directed to ensure the necessity of RWHS system in rural areas and to take necessary steps.

iv) The State Government shall ensure implementation of G.O.Ms.No.49, dated 31.03.2023. The State Government, in addition, shall examine the necessity of water recycling plants even for smaller structures as well and to take requisite action.

v) The competent authority shall ensure that a notification under Section 11 of the Telangana Water, Land and Trees Act, 2002, is issued.

vi) The Ground Water Department, Government of Telangana, is directed to carry out one time exercise to find out whether the existing bore wells across the State of Telangana are complying the provisions of the Telangana Water, Land and Trees Act, 2002 and to take necessary action.

vii) The State Government shall consider the necessity of introduction of water preservation, distribution and reutilisation curriculum for classes 3 to 5 in schools across the State of Telangana and higher level information for classes 6 and above.

viii) The Principal Secretary, Panchayat Raj and Rural Development Department, Government of Telangana, is directed to ensure implementation of the provisions of Section 43(6)(ii) of the Telangana Panchayat Raj Act, 2018.

ix) The State Government shall also apprise this Court with regard to the timelines within which the Watch Dog Committee, as mentioned in the note submitted by the *Amicus Curiae* to this Court, shall be constituted.

x) This Court hopes and trusts that if need so arises, the State Government shall undertake the review of water levels and impose appropriate restrictions for use of drinking water for gardening purposes.

Let a copy of this order be supplied to Mr. Mohd. Imran Khan, learned Additional Advocate General during the course of the day to enable him to seek instructions and to submit the compliance report.

List on 26.03.2024.

//TRUE COPY//

SD/- A.PRATHIMA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Chief Secretary, State of Telangana, Secretariat Hyderabad
2. The Commissioner and Special Officer, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad
3. The Managing Director, Hyderabad Metro Water Supply and, Sewerage Board, Hyderabad
4. The Secretary to Government of Telangana, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
5. The Secretary to Government of Telangana, Panchayat Raj and Rural Development Department, Secretariat, Hyderabad.
(Addressees 1 to 5 by SPL. MESSENGER)
6. One CC to Sri D. Prakash Reddy, (*Amicus Curie*), Advocate, High Court at Hyderabad
7. Sri Mohd. Imran Khan, Additional Advocate General, High Court at Hyderabad (By SPL. MESSENGER)
8. Two CC to GP for Panchayat Raj, High Court at Hyderabad (By SPL. MESSENGER)
9. Two CC to Advocate General, High Court at Hyderabad (OUT)
10. Two spare copies

HIGH COURT

**HCJ
&
JAKJ**

DATED:13/03/2024

NOTE: LIST ON 26.03.2024

ORDER

WP.No.1615 of 2005

DIRECTION

