

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

PIL No. 27/2014

Inderjeet Khajuria age 73 years son of Pandit
Munshi Ram Khajuria resident of House No. 64
Chand Nagar Jammu at present President All
Hotels and Lodges Association Jammu

.... Petitioner(s)

Through :- Mr. Archit Sharma Advocate vice
Ms. Meenakshi Salathia Advocate.

V/s

1 State of Jammu and Kashmir th. Chief
Secretary Civil Sectt. Srinagar/Jammu

2 Commissioner/Secretary Department of
Tourism Government of J&K Civil Sectt,
Srinagar/Jammu

3. Commissioner/Secretary Department of
Revenue Government of J&K

4. Commissioner/Secretary, Department of
Housing and Urban Development

5. Commissioner/Secretary, Department of
Irrigation, Flood Control and PHE

6. Commissioner, Jammu Municipal
Corporation

7. Director, Department of Tourism

8. Vice Chairmam, JDA

9. Divisional Commissioner, Jammu

10. Inspector General of Police

11 Chief Engineer, Department of
Irrigation Flood Control and PHE

12 Union of India through Cabinet
Secretary North Block, New Deli

13. M/S GVR Infra Project Ltd.

....Respondent(s)

Through :- Mr. S.S.Nanda Sr. AAG
Mr. Adarsh Sharma Advocate

**Coram: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE**

**ORDER
11.12.2023.**

1 Heard learned counsel for the parties.

2. The present Public Interest Litigation has been filed by the
petitioner, praying for the following reliefs:

(i) directing the respondents to ensure the completion of project of construction to Artificial Lake in River Tawi with clean, hygienic and healthy environment to public at large;

(ii) directing the respondents to undertake the laying down of Gandola Project from Mubarakh Mandi Complex to Bahu Fort in order to attract the tourists;

(iii) Directing the respondents to beautify the areas being used by the morning/evening walkers and ensure that nobody is allowed to dump waste/garbage which ultimately pollutes and contaminates the water of River Tawi;

(iv) directing the respondents to make accountable the concerned officials who are negligent in performance of their official duties to ensure not to allow the miscreants to dump garbage/waste on the road side which is used by the morning/evening walkers including the area/sites where the sign bounds clearly prohibit such activities.

(v) directing the respondents to submit a detailed report regarding the encroachments made by different individuals alongside the banks of river tawi to which the respondent authorities ultimately succumbed and abandoned a dream project of tourism attraction-artificial lake river tawi. Notwithstanding that the land encroached upon is either JDA or State land occupied by the encroachers under the garb of Roshni Scheme in connivance with the respondents.

3 The main grievance, amongst others raised by the petitioner in this Public Interest Litigation is to the effect that in the recent years, the flow of water has been decreasing owing to the pollution and increasing untreated sewage being dumped into the River Tawi. Keeping in view these problems, the Authorities concerned proposed construction of an artificial lake in river Tawi. It is stated that the construction of an artificial lake in river Tawi and beautification of banks of river Tawi was perceived as a major step towards developing Jammu city and its surroundings as an independent tourist destination. But till date, Jammu city lacks any kind of an artificial lake and the concerned authorities seem to have been shying away from their responsibilities. The petitioner feeling aggrieved of the inaction on part of the respondents despite the fact that the scheme to initiate and execute the artificial lake in river tawi is centrally sponsored, wrote a letter to the Minister for Irrigation, Flood Control and PHE to know about the status of the artificial lake in river Tawi. In response to the letter

of the petitioner, the Executive Engineer concerned sent a reply. It is submitted that the said reply reveals admission on the part of the respondents for taking the project of artificial lake in river Tawi casually. The petitioner while agitating the issue with the concerned authorities regarding the construction of artificial lake in River Tawi could lay his hands on some relevant communications. It is submitted that the concerned authorities despite the fact that the funds stand allotted to them for pursuing the aforesaid project they have paid no heed to the public interest involved. It is stated that poor sanitation, foul smell and heaps of garbage including human waste and plastic has totally rotted the spirit of the morning/evening walkers and the natural beauty of river tawi. The instant petition aims at preservation of river Tawi as a natural tourist destination and in case it is not preserved, it will become a serious threat for natural resources of State.

4 In short, this public interest litigation relates to completion of the project of Artificial lake in river Tawi and laying down of the Gandola Project from Mubarakh Mandi to Bahu Fort.

5 On 19.12.2022, this Court directed the learned AAG to file the latest/update status report. In compliance to the said order, the answering respondent has filed the latest status report. It is stated that Administrative Approval has been accorded to the project vide G.O No. 150-JK(JSD) of 2022 dated 14.07.2022 and technical sanction was accorded vide order dated 22.07.2022. The letter of intent in favour of the lowest bidder P&R infra projects ltd. was issued on 24.08.2022 and the work was formally allotted in favour of the said firm vide allotment order dated 07.09.2022. It is stated that the foundation stone for recommencement of the balance work of the tawi barrage was laid on 01.09.2022 and the work at site was started on 22.09.2022. Status report on

behalf of the Managing Director, J&K Cable Car Corporation has also been filed wherein it is stated that the work on the remedial measures of Sector-1 (Peerkho-Mahamaya) is expected to commence soon. Once the work is executed, the State technical committee shall be asked to give its recommendation for commencing of commercial operation. It is stated that at present both the Sections (i) and (ii) of the Jammu Ropeway Project have been completed and put to commercial operation. It is submitted that in terms of the said report the project undertaken by the answering respondent has been completed.

6 Looking to the detailed status reports filed by the respondents, it appears that enough and adequate steps have already been taken by the respondents and, therefore, we see no reason to further monitor this case.

7 From the reading of the status reports and also having regard to the directions issued by this Court from time to time, we are satisfied that the purpose, for which, the present PIL was filed, has been accomplished and therefore, we are of the considered opinion that no fruitful purpose will be served by keeping this PIL pending as the grievance projected herein has been redressed. The petitioner would be at liberty to approach this Court again or to seek revival of this petition in case any cause of action survives.

8 Accordingly, this PIL stands closed and is disposed of.

(Moksha Khajuria Kazmi)
Judge

(N. Kotiswar Singh)
Chief Justice

Jammu:
11.12.2023.
Sanjeev