

Court No. - 2

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 5059 of 2016

Petitioner :- Utkarsh Lok Sewa Sansthan Thru Its President Smt.Aruna Singh

Respondent :- State Of U.P.Thru Its Secy.Arban Devp.Civil Sectt.Lko.And Ors.

Counsel for Petitioner :- Moti Lal Yadav

Counsel for Respondent :- C.S.C.,Anand Swarup Rai,Anuj Singh,I.P.Singh,Shailendra Singh Chauhan

Hon'ble Rajan Roy,J.

Hon'ble Om Prakash Shukla,J.

It is informed that adequate drinking water is not being provided to the residents of Sarai Hasanganj, Barauri, Barauliya, Akbar Nagar, Hardasi Khera, Duda Colony, Damdan Ka Purwa, Chinhat and Matiyari in Lucknow.

The erstwhile Jal Sansthan has been wound up and now, Jal Kal Vibhag of the Municipal Corporation, Lucknow provides drinking facilities. Jal Nigam is concerned with sewage, therefore, it has no concern with it, as informed by Shri I.P. Singh, learned counsel appearing for Jal Nigam. He also informed that in a meeting attended by officials of the UP Jal Nigam and the State Authorities, a proposal was mooted for redressing the difficulties faced by the residents of the aforesaid areas and providing them proper drinking water but thereafter, it seems that nothing has happened.

This petition has remained pending since 2016, but the Municipal Corporation, Lucknow has not even bothered to file a counter affidavit in this matter. This is in spite of the order dated 29.06.2021, which reads as under:-

"None appears on behalf of Municipal Corporation, Lucknow.

Learned counsel appearing for Jal Nigam prays and is granted 10 days' time to file counter affidavit, as was directed on 10.03.2016.

Let this petition be listed again on 15.07.2021.

It is made clear if the counter affidavit is not filed within the time given above, it will attract heavy cost for the reason that for the last five years, they have not filed counter affidavit despite an order for it on 10.03.2016. Learned counsel appearing for Municipal Corporation is not responding to the case when it was called.

Accordingly, if no one would remain present on behalf of the Municipal

Corporation on the next date, adverse order would be passed. A copy of this order be sent to the Municipal Corporation, Lucknow to make proper arrangement so that they may be represented before this Court.

Office is directed to send a copy of this order to the Municipal Corporation, Lucknow for compliance."

Counsel for the petitioner invited our attention to Annexure No.1 and Annexure No.2 to the supplementary affidavit to drive home the point that even as of now, scarcity of drinking water in the aforesaid areas continues. Annexure Nos.1 and 2 are news items in this regard.

It is high time that Municipal Corporation, Lucknow especially the Jal Kal Vibhag woke up to the plight of the residents of the aforesaid areas and did something to remedy the same.

We do not appreciate the apathy on its part in this regard by not filing any counter affidavit and by not responding to our orders. We give it one opportunity to make a survey of the area to ascertain/ ensure availability of clean and adequate drinking water to the residents of the aforesaid areas and if it is found that this facility is lacking or deficient, then to take remedies as measures and file an affidavit in this regard positively by the next date of listing.

While doing so, the averments made in the writ petition and the supplementary affidavit shall also be responded.

Shri Namit Sharma, Advocate is present today in Court, as he is counsel for the Nagar Nigam, therefore, we direct him to communicate our order to the concerned officers and also to ensure compliance.

This matter shall now come up before the Court on 29.05.2024 by showing the name of Shri Namit Sharma as Counsel for Nagar Nigam.

(Om Prakash Shukla,J.) (Rajan Roy,J.)

Order Date :- 2.5.2024
Gurpreet Singh