

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5256 OF 2021

Shobha Vikas Bhoi & Ors. .. Petitioners
Versus
The State of Maharashtra & Ors. .. Respondents

-
- Mr. R.D. Suryawanshi for the Petitioners
 - Mr. R.S. Pawar, AGP for the State
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**CORAM : S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE : SEPTEMBER 7, 2021.

P.C.:

By the above Writ Petition the Petitioners are *inter alia* seeking the following reliefs:-

- "a) this Hon'ble Court be pleased to issue a writ of mandamus, directions, order or writ in that nature, directing the Respondents to supply water on regular basis to the village of the Petitioners as per the sanctioned quota approved in Board of Directors' meeting dated 14.11.2014 of the Respondent No. 7 and further issue directions to the Respondent No. 7 to supply the water regularly to the village of the Petitioners on daily basis;
- b) this Hon'ble Court be pleased to issue a writ of mandamus, directions, order or writ in that nature, directing the Respondent No. 7 to remove illegal tapping / water connections fixed on the main pipeline and valve on the main pipeline at Village Khoni, Taluka Bhiwandi, District Thane with further directions to the Respondent No. 8 to supply necessary police protection to the officers of the Respondent No. 7 in the said work."

2. The Petitioners are residents of Kambe Grampanchayat, Taluka Bhiwandi, District Thane. Respondent No. 7 is STEM Water Distribution and Infra Company Pvt Ltd which is a joint venture of Respondent No. 5 -

Zilla Parishad, Thane and Respondent No. 6 - Bhiwandi Nizampur City Municipal Corporation.

3. We are at pains to record that the abovenamed Petitioners are required to knock the doors of this Court after completion of 75 years of independence seeking direction against the Respondents to provide regular water supply to them since they are at present supplied water only twice a month, that too for approximately two hours. A series of representations in this regard have been made by the Petitioners to the local Authorities and several meetings have been held with all concerned, but the problem of the Petitioners has remained unresolved till date.

4. It is alleged by the Petitioners that they have learnt from reliable sources that the Officers of Respondent No. 7 are supplying water illegally to the political leaders especially municipal councilors of Bhiwandi Nizampur City Municipal Corporation, tanker lobbies, industries in Bhiwandi and Thane, sizing companies / industries situated at Khoni Village, warehousing complexes situated on the outskirts of Bhiwandi city and construction sites, thereby earning lakhs of rupees against illegal supply of water. It is submitted on behalf of the Petitioners that the officials of Respondent No. 7 are not interested in removing the illegal water tapping / connection and valves fixed on the main pipeline.

5. After going through the contents of the petition and considering all the above facts, today in the morning session, we passed an order directing the

Managing Director of Respondent No.7 to remain present before us through video conferencing at 3.00 p.m. The Managing Director has not remained present. Instead, the Deputy Engineer of Respondent No. 7 - Shri. Ajay Chaudhary is present before us through video conferencing. He has informed the Court that they are making attempts to supply water to the Petitioners on a daily basis but they are unable to do so on account of various technical reasons.

6. When we questioned Mr. Chaudhary with regard to his endorsement on the letter dated 01.02.2021 addressed to the Senior Police Inspector, Nizampura Police Station, Bhiwandi (mentioned in Clause 14 of the Petition) that Respondent No. 7 will regularise the supply of the sanctioned quota of water to the Petitioners and will remove the illegal water connections and also file criminal cases against the wrong doers, he has admitted having put the said endorsement. However, he has stated that three of the water connections have been removed by Respondent No.7. When we pointed out to him that by one of his own letters, he has admitted that there are 300 to 400 illegal water connections, he has informed us that whenever an attempt is made to disconnect the illegal water connections, a mob of around 150 individuals gather at site and prevent them from disconnecting the illegal water connections or taking any action against their illegal activities. This explanation cannot be accepted. It is the fundamental right of the Petitioners to get regular water supply as sanctioned by the

Authorities and if the water supply is provided to them only twice a month for two hours, the same amounts to a blatant mockery of their fundamental right.

7. We, therefore, direct the Managing Director of the Respondent No. 7 Company as well as Shri. Jai Jeet Singh, Commissioner of Police, Thane to remain present before this Court tomorrow at 11.00 a.m. through video conferencing. They shall inform us the steps to be taken by them to resolve the problem pertaining to the supply of water to the Petitioners which is the subject matter of the above Petition. They shall also inform us the steps proposed to be taken by them to disconnect the illegal 300-400 water connections, which admittedly exist at present.

Stand over to 8th September, 2021. To be placed First on Board.

[MILIND N. JADHAV, J.]

[S. J. KATHAWALLA, J.]