

D. K. Joshi

Vs

Chief Secretary, State of U.P. and Others

Writ petition (C) No. 426 of 1992 with IA No. 4

(G. B. Pattanaik, M. Srinivasan, M. B. Shah JJ)

19.11.1999

JUDGMENT

PATTANAIAK, J -

1. Mr D.K. Joshi, and inhabitant of Agra town had filed this writ petition in the year 1992, alleging therein that the supply of drinking water in Agra city is extremely polluted, the water being contaminated, filthy and totally unhealthy for human consumption. It was also averred in the said petition that notwithstanding several legislations conferring power and duty on different agencies like the Nagar Mahapalika, the state of Uttar Pradesh, the U. P. Pollution control Board, those authorities have not exercised their power as a result of which the common man and the citizens of Agra have been suffering. In the said writ petition all the authorities concerned were added as respondents. Since the interests of the residents of Agra, which attracts a large number of tourists, not only form within the country but also from different foreign countries were involved, this Court issued notice pursuant to which affidavits have been filed by different authorities. A conspectus of those affidavits indicates that though some initiative has been taken in discharging their statutory obligations but the authorities concerned have not taken adequate steps which they ought to have taken. By orders of this court NEERI was called upon to submit a report and a report has been submitted by the said organisation, indicating the long-term measures which can be taken in relation to supply of drinking water as well as sewerage and drainage system and disposal of solid waste in the city of Agra. This court had passed an order on 21-2-1997, calling upon the State of U.P. to indicate the projects undertaken by the state government in relation to the aforesaid three issues and thereafter several status reports have been filed by the said state of U.P. to indicate the projects undertaken by the State Government in relation to the aforesaid three issues and thereafter several status reports have been filed by the said State of U.P., the last one being filed on 31-7-1998. Although the state government has taken some definite steps in all the three aspects, namely supply of drinking water, providing adequate sewerage and drainage system and providing measures for disposal of solid waste in the city of Agra but by no stretch of imagination, can it be said that the measures taken by the State Government are adequate in relation to the necessity of the city.

2. Mr. Parikh, the learned counsel appearing for the petitioner submitted that since the latest status report submitted by the State of U.P. is not satisfactory, this court should continue to monitor the steps taken by them, so that the inhabitants of Agra will get the benefit of a healthy atmosphere in getting unpolluted drinking water as well as in getting the solid waste disposed of scientifically and in having a good sewerage system so that the open drains would not continue to stink. But having regard to the fact that the monitoring in this regard, we do not think it appropriate to retain this matter any further. On the other hand we think it appropriate to issue certain directions to be complied with by the State and appoint a Monitoring Committee to be headed by the commissioner

of Agra which can look into the effective functioning of the several public authorities, who are responsible for the supply of drinking water, providing sewerage and providing adequate measures for disposal of solid waste. In our opinion, the State of U.P. would set up a Monitoring committee under the chairmanship of the commissioner of Agra Division in this regard, which should consist of the commissioner of Agra Division as the Chairman and the District Magistrate, Agra, the Chief Medical Officer, Agra, a representative of the U.P. Pollution control Board, Shri D.K. Joshi, the petitioner in this writ petition, who would be the representative of the Citizens' Committee, the superintending engineer of the Yamuna Action Plan and Shri Raman who is stated to be a dedicated social worker, living in the city of Agra. This Monitoring committee would be authorised to take the help of any other person, whom they think necessary. The said Committee should implement the reports submitted by NEERI expeditiously. The notification about forming the committee should be issued by the State of U.P., within three months from the date of receipt of our order. The Monitoring committee should have one meeting in every two months and should discuss the steps already taken and would prepare the steps to be taken in the next two months. The Monitoring committee will also be entitled to examine the money that is being spent in each of the projects and ensure proper utilisation of the money. The said Committee will also be entitled to examine the money that is being spent in each of the projects and ensure proper utilisation of the money. The said committee is fully at liberty to seek the assistance of NEERI, when it is so required. If the committee feels that any action is required to be taken by the state government in respect of some officers or some organisation of the state, the committee can recommend the same to the chief Secretary to the State of U.P., who shall thereafter take appropriate action, as is required under law. With these directions, we dispose of the writ petition with the hope and trust that the Monitoring committee will certainly try its best to achieve the maximum results in the matter of giving unpolluted drinking water to the citizens of Agra as those who visit the heritage city and provide a good sewerage system and take adequate measures for disposal of solid waste.

3. During the pendency of this writ petition IA No. 4 was filed, making averments that certain buildings have suffered cracks because of choking of sewer lines and there has been drainage outflow and leakage in the pipelines, which contaminate the entire atmosphere. The State of U.P. had filed a reply to the said IA, indicating that a team has been constituted by the district Magistrate, which is looking into the matter. The said team should also give its report to the aforesaid Monitoring Committee and the Monitoring Committee, on consideration of the same would issue appropriate directions which are necessary in that regard.

4. The writ petition and the IA are disposed of with the aforesaid observations and directions.

5. We place on record our deep appreciation for the assistance rendered by Shri Sanjay, appearing for the petitioner, without whose help, it would not have been possible for this Court to dispose of this writ petition. Not only has he been able to point out several inaccuracies and infirmities in the reports submitted by the State authorities but also he has ably pointed out the idea of having a Monitoring committee under the Chairmanship of the Commissioner, Agra, which can be held responsible for the efficient monitoring of all the projects.