

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 405 of 2021

Petitioner :- Nathu Prasad Kushwaha And 14 Others

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Shivakant Singh, Ram Swaroop (Singh)

Counsel for Respondent :- C.S.C., Krishna Agarawal

Hon'ble Govind Mathur, Chief Justice

Hon'ble Saurabh Shyam Shamsbery, J.

The respondents of Village - Bachheura, District - Banda have preferred this petition for writ to get electricity restored at Tube-well No. 17 (Piperi) within command area.

As per the petitioners, all the agricultural fields in the command area are irrigated through the tube-well referred above and unauthorized discontinuation of electricity adversely affects the distribution of water and ultimately the agricultural production. It is also stated that no Government Agency is adequately maintaining the tube-wells situated in the command area.

This Court, by order dated 18.2.2021, call upon the respondents and in response thereto, it is stated by learned Standing Counsel that electricity connection has already been restored, and as such, this petition for writ has become infructuous.

Learned counsel appearing on behalf of the petitioners while accepting the fact that electricity connection has already been restored submits that respondents are not adequately maintaining the tube-wells and disconnection of electricity is as usual.

Having considered the facts of the case, we are of considered opinion that in command area any eventuality that adversely affects the supply of water to the agricultural fields virtually amounts to the violation of Article 19 of the Constitution of India as that affects business and profession of the agriculturists. The responsible Government Agencies must ensure that in normal course, the tube-wells situated in command area must remain operational. Regular maintenance and supply of electricity to such tube-wells is necessary to ensure proper distribution of water.

In view of whatever stated above, we deem it appropriate to dispose of this petition for writ by directing respondents no.3, 4 and 5 to ensure uninterrupted supply of electricity to all tube-

wells in the command area including the Tubewell No. 17 (Piperi). The District Magistrate, Banda is directed to ensure regular maintenance of the tube-well situated in command area of District - Banda. For other command areas, the concerned Officers of the Electricity Companies shall ensure uninterrupted supply of the electricity and the concerned District Magistrate for regular maintenance of the tube-wells.

With the aforesaid directions, the writ petition is *disposed of*.

Order Date :- 23.3.2021

Rishabh

[Saurabh Shyam Shamsbery, J.] [Govind Mathur, C.J.]