RAJASTHAN HIGH COURT
सत्यमेव जयते

# HIGH COURT OF JUDICATURE FOR RAJASTHAN
# AT JODHPUR

D.B. Civil Writ Petition No. 17977/2023
CNR: RJHC010831592023 | URN: CW / 36539U / 2023

Rajasthan High Court
सत्यमेव जयते
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Nagrik Adhikar Avam Upbhokta Sanrakshan Sansthan, Known As Lok Adhikar Manch, Having Its Registered Office At Chatur Vihar, Talab Ki Pal, Temple Road, Kankroli, District Rajsamand Through Its National General Secretary.

----Petitioner

Versus

1. State Of Rajasthan Through The Ditrict Collector, Rajsamand
2. Secretary, Irrigation Department, Water Resource Department, Secretariat, Jaipur
3. Secretary Public Health And Engineering Department, Jaipur
4. Executive Engineer, Water Resources Division, Rajsamand
5. Executive Engineer, Phed Division, Rajsamand
6. Jal Vitran Committee Through Its Chairman District Collector, Rajsamand

----Respondents

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| | | |
|---|---|---|
| For Petitioner(s) | : | Mr. Ravi Bhansali, Sr. Adv. assisted by<br>Mr. Deelip Kawadia,<br>Mr. Vipul Dharnia,<br>Ms. Nidhi Singhvi,<br>Mohd. Amaan &<br>Ms. Muskan Sancheti |
| For Respondent(s) | : | Mr. S.S. Rathore, AAG assisted by<br>Ms. Mehali Mehta |

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**HON'BLE MR. JUSTICE VINIT KUMAR MATHUR**
**HON'BLE MR. JUSTICE SANDEEP SHAH**

**Order**

**26/11/2026**

1. Heard learned counsel for the parties.

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2. By way of filing the present public interest litigation, the petitioner has prayed that adequate water may be reserved in the Rajsamand lake for supply of drinking water in the District Rajsamand.

3. Learned senior counsel appearing for the petitioner submits that present is the second round of litigation as in the earlier round of litigation, on the same issue, this Court vide order dated 02.12.2010 has issued directions for constitution of a Committee for implementation of the directions issued therein. He further submits that following directions were issued to the State Government by this Court in its earlier order dated 02.12.2010:-

> *"(A) The State Government shall take measures to clean the Khari Feeder, which has also been assured on behalf of the State by Shri Purohit and Shri Ashim Markandey, X.En., PWD.*
>
> *(B) With respect to Anicuts, the respondents shall examine whether it is appropriate to remove any Anicut on Gomati River and in case it is found that any of the Anicuts are to be removed, in that case the Anicuts above 2m height, shall be removed.*
>
> *(C) Due to mining activity, inflow of water has been obstructed. The flow of water shall be canalized. Efforts will be made to canalize the flow of water by constructing proper canals to take it to the Rajsamand Lake as agreed, between the parties.*
>
> *(D) With respect to Khari Feeder, the efforts will be made whether any further repair or maintenance is necessary and in case it is found that further mainteriance is necessary, it will be done as early as possible and it shali be kept in a proper shape so as to ensure the free flow of the water.*
>
> *(E) The State will ensure to keep the water level in Rajsamand Lake as far as possible, at least 600 mcft. as agreed to and it will further undertake study whether it can*

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*retain the water as suggested in the resolution dated 26.10.2006."*

4. Learned senior counsel further submits that in pursuance of the directions issued by this Court, a Committee was constituted by the State Government and the Committee, on a regular basis, is assessing the availability and reservation of the water in the Rajsamand lake keeping in mind the supply and demand of the drinking water in the District Rajsamand. He further submits that adequate amount of water level should be maintained in the lake so that the availability of drinking water can be met without any distress. He further submits that different stands have been taken by the State Government in different years for assessment of the requirement of the drinking water supply in District Rajsamand. He further submits that with the passage of time, number of water connections have increased and, therefore, the requirement of drinking water has also been increased. He, therefore, prays that the respondent – Authorities may be directed to take into account the aforesaid facts regarding the increased number of connections and water supply in the District Rajsamand while assessing the need and reserving the water in the Rajsamand lake.

5. Learned senior counsel, in these circumstances, submits that because of low rainfall in the area this year, the requirement of water supply will be increased in the ensuing years, therefore, the State Government may be directed to give precedence to the drinking water supply over irrigation and all other purposes.

6. Learned Additional Advocate General appearing for the respondents, while replying the concern of the learned senior counsel, submits that in pursuance of the directions issued by this

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Court on 09.10.2026, today they have filed an additional affidavit, clarifying the entire facts and situation in the matter. He further submits that the State functionaries are conscious of the fact that drinking water supply is required to be given precedence over the supply of water for irrigation and all other purposes. He assures this Court that keeping in mind the demand of drinking water, adequate amount of water will be reserved in the Rajsamand lake. He further submits that the Committee constituted under the directions issued by this Court, is holding regular meeting for the purpose of assessment of the requirement of drinking water to be supplied in the District Rajsamand. He, therefore, prays that the writ petition may be disposed of in the light of the additional affidavit filed by the respondent – Authorities before this Court by directing respondent - Authorities to reserve an adequate amount of water in the Rajsamand lake for meeting the demand and supply of drinking water in the District Rajsamand.

7. We have considered the submissions made before this Court and have gone through the relevant record of the case.

8. The directions issued by this Court on 02.12.2010, specifically show all out efforts should be made by the respondent - Authorities to conserve and preserve the water in the Rajsamand lake and adequate amount of water in the Rajsamand lake should be kept reserved for supply of drinking water in Rajsamand area.

9. In pursuance of the directions issued by this Court, a Committee has already been constituted, which oversees the demand and supply of drinking water in the District Rajsamand and the Committee is convening its meetings regularly and is taking stalk of the situation for allocation of drinking water in the

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District Rajsamand and area adjoining to it. We take note of the fact that a detailed affidavit projecting the stand of the State Government has been filed before this Court. For brevity, the contents of the affidavit filed by the District Collector, Rajsamand are reproduced as under:-

> *"1. That I am the Respondent No. 1 in this case and fully acquainted with the facts and circumstances of the present case.*
>
> *2. That I state that this Hon'ble Court, vide order dated 09.10.2026, had passed directions to file an additional affidavit clarifying the stand of the State Government with respect to the requirement and demand of drinking water in the area. Hon'ble Court further directed that consultation be held with the PHED while filing the present affidavit.*
>
> *3. That I state that by way of this additional affidavit, Respondent No. 1 is placing before this Hon'ble Court the factual position regarding the requirement and demand of drinking water.*
>
> *4. I state that, pursuant to the said order dated 09.10.2026, the office of the District Collector, Rajsamand issued letter No.1262 dated 23.10.2026 to the Water Resources Department and the Public Health Engineering Department, Rajsamand, directing them to conduct a joint factual enquiry and submit a factual report. In compliance therewith, a joint report dated 16.11.2026 was submitted by the Executive Engineer, PHED Division, Rajsamand, and the Executive Engineer, Water Resources Division, Rajsamand.*
>
> *5. I state that, as per the assessment made by the Public Health Engineering Department, the drinking-water demand of District Rajsamand has been calculated on the basis of the existing population, projected population, prescribed norms of water supply, and availability of drinking-water sources. The assessed demand is as follows:*

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| Financial Year | Demand for District Rajsamand | Demand for 29 Villages covered in Urban Periphery | Total Assessed Demand |
|---|---|---|---|
| 2026-2027 | 350 MCFT | 80 MCFT | 430 MCFT |
| 2026-2027 | 380 MCFT | 80 MCFT | 460 MCFT |

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*6. I state that the aforesaid demand figures do not include evaporation losses. It is further submitted that, vide letter No. 811-12 dated 30.10.2023 issued by the office of the Assistant Executive Engineer, PHED, Kankroli, it was clarified that, owing to a typographical error, the demand for one year had been mentioned as 749.37 MCFT instead of the demand for two years.*

*7. I state that, as per the record of the Water Resources Department, the water level of Rajsamand Lake as recorded on 16.11.2026 was 17.80 feet, against the Full Tank Level (FTL) of 30 feet. The corresponding available storage in the lake was approximately 1,832.00 MCFT.*

*8. I state that the availability of water in Rajsamand Lake is dependent upon various factors, including rainfall, inflow, evaporation losses, and withdrawal of water for different purposes. It is further submitted that the water level and storage are dynamic and subject to variation according to hydrological and seasonal conditions.*

*9. I state that the quantity of water released from Rajsamand Lake for irrigation purposes is regulated in accordance with the availability of water, approved allocation, and the instructions/directions issued by the Water Distribution Committee functioning under the chairmanship of the District Collector, Rajsamand.*

*10. I state that the quantity of water released/supplied from Rajsamand Lake for irrigation during the preceding years was as under:*

| Year | Quantity Released /Supplied for Irrigation |
|---|---|
| 2023-2024 | 1,771.95 MCFT |

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|---|---|
| 2024-2025 | 1,715.00 MCFT |
| 2025-2026 | 1,280.00 MCFT |

*That the comparatively lower release of irrigation water during 2025-26 was due to rainfall received during the Rabi irrigation period, resulting in reduced requirement/consumption of irrigation water.*

*11. I state that a meeting of the Water Distribution Committee (WDC) for Rajsamand Dam for the year 2026 was held on 06.11.2026 under the chairmanship of the District Collector, Rajsamand, with participation of officers of the Public Health Engineering Department, the Water Resources Department, and farmers of the command area.*

*That, in the said meeting, it was unanimously decided to reserve 10 feet of water in Rajsamand Lake for drinking-water purposes. As on 06.11.2026, the water level in the lake was 18.10 feet, corresponding to a storage of 1,867.50 MCFT, whereas the storage at the reserved 10-feet level is 1,015 MCFT.*

*12. I state that, in view of the above, it is most respectfully submitted herein that adequate steps have been taken to reserve water in Rajsamand Lake for drinking-water purposes, while irrigation releases are being regulated in accordance with the availability of water and the decisions of the Water Distribution Committee.*

*It further submitted that it shall continue to monitor the water level, storage, drinking-water demand, and irrigation requirements, and shall take appropriate measures in accordance with law, the applicable water-distribution policy, and any further directions that may be issued by this Hon'ble Court."*

10. A perusal of the affidavit clearly shows that required assessment has already been done by the competent authorities with respect to the availability of the water in the Rajsamand lake and the water to be supplied for drinking purposes in the District Rajsamand.

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11. We also take note of the fact that the respondents have also reserved the water maintaining the adequate level for drinking purposes. In these circumstances, we are of the view that the problem and concern projected by the petitioner in this public interest litigation has already been taken note by the officials of the State Government and adequate water has been kept reserved in the Rajsamand lake for drinking purposes in the District Rajsamand.

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12. We are of the view that the supply of drinking water in any District including District Rajsamand will get precedence over all other usage of water and, therefore, the State functionaries will be keeping in mind the priority of supply of the drinking water to the inhabitants of the District Rajsamand.

13. We, therefore, direct that the respondents shall stick to the parameters of maintaining water level in the Rajsamand lake keeping in mind the fact that in case, appropriate rainfall is not there then the District Rajsamand shall not face shortage of water supply specifically for drinking purposes.

14. Needless to say that the adequate water level shall be maintained in the Rajsamand lake for the purpose as stated above.

15. It is made clear that any deviation of the directions issued herein will be viewed seriously.

16. The present writ petition is, hereby, disposed of accordingly.

**(SANDEEP SHAH),J** **(VINIT KUMAR MATHUR),J**

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