

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

PUBLIC INTEREST LITIGATION NO. 25 OF 2015

GIRIJADEVI CO.OPERATIVE HOUSING SOCIETY LTD
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. S S Thombre
GP for Respondents: Mr. S.S.Tope
Advocate for Respondent No.3 : Mr. A.M.Karad

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CORAM : R. M. BORDE & V.K. JADHAV, JJ.
Dated: March 25, 2015

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PER COURT :-

1. The petitioner - Girijadevi Co-operative Housing Society Limited, Garkheda, Aurangabad has approached this Court with a prayer to issue writ of mandamus or direction in the like nature, directing the Respondent-Corporation to refrain from collecting water from the collection point situate within the premises of society for distributing water through tankers to the residents of other localities in the city. The petitioner contends that, collection of water for the purpose of distribution from the point situate within the premises of locality round the clock for 24 hours is causing a lot of nuisance to the residents of the society apart from posing security risk arising from transportation of water through the tankers. Grievance raised by the petitioner appears to be genuine, however, at the same time, demand of water by the residents of other localities in the city and more particularly taking into view the scarcity situation faced in the region, the respondent authorities of the Corporation need to maintain the balance. In

our view, the ends of justice would be met by directing the respondent authorities i.e. respondents No.3 and 4 to collect the water from the collection point situate within the premises of the petitioner society between **09.00 am to 06.00 p.m.**

2. The Executive Engineer of Water Supply Department of Municipal Corporation is present and has authorized the counsel for the respondent to make statement for facilitating disposal of the writ petition. The learned counsel appearing for respondent No.3 as well as Mr. Givangi, the officer of respondent No.4 agrees for the arrangement as suggested above. The respondents No.3 and 4, as such, are directed to collect water for the purpose of distribution through the tankers to the residents of other localities in the city from the collection point situate within the premises of the petitioner society between **09.00 a.m. to 06.00 p.m.** Counsel appearing for respondent no.3, on instructions, states that, the roads leading to the society are concreted and if any damage is noticed as a result of transportation of water through tanker, appropriate remedial measures would be taken. The learned counsel appearing for respondent no.3 as well as the official of respondent no.4 state that any shortfall in collection of water as a result of the aforesaid arrangement would be met by collecting water from the collection point situate at Pundlik Nagar or any other collection point situate in the city and it would be ensured that water supply through the tankers to the residents in the city would be maintained.

3. Liberty to respondents to approach the Court in case of any difficulty.
4. Writ Petition stands disposed of. There shall be no order as to costs.

(V.K. JADHAV, J.)

(R. M. BORDE, J.)

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aaa/-