

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO. 167 OF 2014

Prakash Ganpat Sawant	... Petitioner
Versus	
The State of Maharashtra and others.	... Respondents

Petitioner appears in person.
Mr. V. B. Thadani, AGP for respondent-State.
Mr. Ramesh D. Rane for respondent No.5.
Mr. D.Y. Bhoite for respondent Nos.9 and 10.

**CORAM : MOHIT S. SHAH, C.J. &
B.P. COLABAWALLA, J.**

January 06, 2015

P.C.

By this writ petition purported to be a PIL filed under Article 226 of the Constitution of India, the petitioner has prayed for directions to the respondent-authorities including the State Government, Collector, Sindhudurg, Zilla Parishad, Sindhudurg and the Kasarde Grampanchayat to take effective steps for providing pucca tar road, regular drinking water supply and street lights and also construction of bridges over the rivers for the benefit of the villagers of villages Ozaram and Kasarde in taluka Kankavali, district Sindhudurg.

2. At the hearing of the PIL, the petitioner has filed rejoinder affidavit dated 5 January 2015 stating that the problem of supply of drinking water and street lights is solved from Diwali, 2014. The petitioner has however, submitted in the rejoinder that the water wells provided by the authorities may be cleaned regularly. The petitioner has reiterated his grievance about the non-construction of width of various roads in these two villages.

3. In the affidavit-in-reply dated 12 December 2014 of Mr. Sunil Navso Redkar, Deputy Executive Officer, Village Panchayat Department, Zilla Parishad, Sindhudurg, it is stated that village Ozaram is connected to National Highway by State Highway known as Kasarde Vijaydurg Highway and also by other district road known as Talere Ozaram Sshirvali Road No.115. It is stated that total length of the road is 5.900 km and the same is tar road. It is further stated that village Kasarde is connected to National Highway by major district road No.5 at the length of 14 km and other district road No.9 of total length of 10 km. It is asserted that all these roads are tar roads and all-weather roads. He has produced a map showing the exact topography and location of the roads. It is also stated in the affidavit that the distance between Anandwadi and Primary School No.1 of Ozaram is 1.425 km. There is also kutchha road because of the non co-operation of the villagers to hand over their respective lands voluntarily as per Pradhan Mantri Gram Sadak Yojana, 2001 to construct the road for that distance.

4. It appears that this petitioner had earlier filed PIL No.212 of 2010 praying for a direction to the respondent to implement the Pradhan Mantri Gram Sadak Yojana, 2001 and construct the roads connecting the villages Ozaram and Kasarde to Mumbai-Goa National Highway. The Court noted that it is necessary for the villagers to surrender their respective lands and then the State shall provide the funds for construction of roads. However, inspite of resolutions passed by Gram Sabha regarding implementation of the scheme, the concerned land owners did not take any initiative to surrender the lands for construction of pukka tar road and, therefore, the Court disposed of the PIL.

5. The petitioner filed SLP (Civil) No. 20682/2012 against the said order dated 17 April 2012 of the High Court. The SLP was, however, dismissed.

6. It, therefore, appears that for the aforesaid stretch of land of 1.425 kms, there is a kutchha road but because the concerned land owners do not surrender the land, the roads cannot be constructed under the Pradhan Mantri Gram Sadak Yojana, 2001.

7. In view of the above, there is no alternative left with the respondent-authorities but to acquire the land for the purpose of completing 1.425 kms of road of adequate width in place of the present Kutcha road.

8. The State Government shall consider whether it is necessary to acquire any land for the purpose of providing adequate road connectivity for the villagers in these two villages i.e. Kasarde and Ozaram.

9. The petition is accordingly disposed of in terms of the above direction.

CHIEF JUSTICE

B.P. COLABAWALLA, J.