

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 130 OF 2014

Rajendra Vasant Rao Chavan .. Petitioner
V/s
State of Maharashtra & Ors. .. Respondents

Mr. Dhanesh Patekar i/b Mr. Prasant Kamble for the petitioner.
Mr. Suresh M. Kamble for respondent no.2.
Mr. A.B. Vagyan, Government Pleader, for the respondent – State.

**CORAM: DR. MANJULA CHELLUR, CJ. &
M.S. SONAK, J.**

DATE : 16th NOVEMBER 2016

P.C.:

The present public interest litigation is filed seeking the following reliefs:

“(a) The Hon'ble Court may be pleased to issue writ of mandamus or any other appropriate writ or direction in the nature of like nature under Article 226 of Constitution of India, thereby directing the Respondents to utilize the special funds of Rs.10 crores provided by the government together with own equivalent contributory funds of Rs.10 crores for the special purpose of creating basic primary civic amenity services such as developing existing playgrounds, gardens, water pipelines, drainage lines, roads etc. as in the Kolhapur city most of the roads, drainage pipelines, water supply lines, playgrounds etc. are in bad condition.

- (b) *Pending hearing and final disposal of this petition, this Hon'ble Court be pleased to restrain the Kolhapur Municipal Corporation from utilizing the special funds of Rs.10 crores drawn from the Govt. of Maharashtra under the special scheme in any manner whatsoever including by awarding tenders / issuing work orders etc. to the contractors.*
- (c) *Pending hearing and final disposal of this petition, this Hon'ble Court be pleased to direct the Kolhapur Municipal Corporation to make own contribution of Rs.10 crores under the special scheme.”*

2. According to the petitioner, the Kolhapur Municipal Corporation took up a project to have proper basic civic amenities for the people of Kolhapur city. In that regard, from time to time on the representations and realising the factual situation, certain amounts were allocated to the municipality concerned by the State initially amounting to Rs.10 crores. As a part of creating basic civic amenities, services like developing the existing playgrounds, gardens, water pipelines, drainage line, roads, the municipality concerned identified 193 works which would cater the above facilities to the public of Kolhapur city.

3. As per the latest affidavit filed in the month of July 2015, it indicates that out of 193 works which were allotted to the contractor, 177 works have been completed and 16 works are in progress as partly completed. Along with the affidavit and additional affidavit, the details of the works, how monies were allocated to which contractor and completion of the works, are also

annexed. What we notice from the affidavit is additional sum of Rs.10 crores was also granted by the State Government, that is in all Rs.20 crores for 193 works has been allocated for the purpose of creating basic civic amenities to the people of Kolhapur city. Till date, there is no complaint of any nature other than pendency of this PIL filed in 2014 that the works have not been completed. If the works have not been completed, it is always open to the general public to bring to the notice of the concerned authorities and if they are not attended to in time, then they can approach Court. After filing of the affidavit in reply, for the last 1 year and 2 months no objection of any sort is made pointing out any deficit in the completion of works or non-completion of any of the works out of 193 works. Therefore, we presume that the people of Kolhapur city are happy with the amenities provided to them so far by the Corporation concerned and we find no ground to keep the petition pending.

4. Accordingly the PIL is disposed of with the above observations.

(M.S. SONAK, J.)

CHIEF JUSTICE