

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**PUBLIC INTEREST LITIGATION NO.151 OF 2015**

Shri Dyneshwar Vishwanath Jadhav  
and others

.. Petitioners

V/s

Nashik Zillha Parishad,  
Through Chief Executive Officer  
Zillha Parishad, Nashik & ors

.. Respondents

....

Mr.Sugandh Deshmukh, Advocate for the petitioner.  
Ms.Chitralli Deshmukh, Advocate for respondent nos.1 & 3.  
Mr.Himanshu Kode, Advocate for respondent no.4.  
Mr.A.B. Vagyani, GP with M.M.Pable, AGP for State.  
Mr.S.A.Sawant, Advocate for respondent no.5.

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

**DATE : 23<sup>rd</sup> NOVEMBER, 2016.**

**P.C.:**

1                      Public Interest Litigation is filed seeking the following  
reliefs.

“(A) That this Honourable Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ direction or order under Article 226 of the Constitution of India, 1950, thereby direct the Respondent No.5 i.e. State of Maharashtra Rural Development and the Water Conservation Department, to make the indepth enquiry in respect of the work orders issued on 12<sup>th</sup> September 2014 as well as 9<sup>th</sup> September 2015.

(B) That this Honourable Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ direction or order under Article 226 of the Constitution of India, 1950 thereby direct to make the enquiry in respect of the work which is already executed in the poor quality work as per the work order given dated 9<sup>th</sup> September 2014 and 12<sup>th</sup> September 2014.

(C) That this Honourable Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ direction or order under Article 226 of the Constitution of India, 1950, thereby direct the Respondent No.1 Zilha Parishad Nashik to forthwith complete the incomplete work of the roads Egima 64 to Gajarwadi and Egima 64 to Dharangaon Khadak to Kakade Vasti.

(D) That this Honourable Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ direction or order under Article 226 of the Constitution of India, 1950, thereby be pleased to direct to complete the enquiry by the Respondent No.6 within the time limit which deems fit by this Honourable Court and be pleased to direct the Respondent No.6 to lodge the criminal prosecution against the responsible persons as well as to recover the financial loss caused by the said responsible persons and be pleased to not allot any amount to the said work to the respondent no.4.

(E) During the pendency of this Petition that this Honourable Court be pleased to direct to terminate the work allotted to the Respondent no.4 by the work order dated 9<sup>th</sup> September 2014 as well as the work order dated 12<sup>th</sup> September 2014 and be pleased to direct to allow the remaining work to the Grampanchayat Dharangaon Khadak.

(F) That the costs of this Public Interest Litigation be awarded in favour of petitioner from Respondent, by this Honourable Court.

(G) That such other orders as justice and convenience may demand from time to time be passed in favour of the Petitioner by this Honourable Court.

2                Several allegations are made against the Sarpanch of Grampanchayat in question with reference to the financial involvement in allotting the work order. However, we need not go into this past history since the work order issued by Executive Engineer on 9<sup>th</sup> September 2014 is already cancelled. The work order was for the formation of the road between Dharangaon-Naitale, Chari No.18 to Bokaddare. It is unfortunate to notice that the present litigation which pertains to 2014 order is still at the stage of issuance of work order even after two years. The very purpose of formation to help the commuters would become a dream if the work is not implemented and completed within a reasonable required time. Whenever a work order is issued, if it is not followed up by the proper procedure and guidelines, there is bound to be litigation. It does not mean that in spite of issuance of work order complying with all requirements, no challenge will be made. However, the fact remains that the public duty which has to cater to the needs of commuters of the road in question has to become a reality within a reasonable time. The authorities concerned should see that they do not give scope for unnecessary litigation. If everything was alright, there was no reason why the work order had to be cancelled. The work order came to be cancelled only after the petitioner came before this court. This would only mean if no one challenges, the illegality continues. Till the petitioner came before this court, probably the authorities were taking it easy. However, initiation of action has already

commenced. It has to be taken to its logical end by not only completing the formation of the road, but also proper action against the wrong doers, including recovery of money, if any, as loss is caused to the public money.

3           Learned counsel for the respondent Panchayat submits that from the date of commencement of work order which is issued in the month of October 2016 within six months, the road in question, has to be completed.

4           We hope a responsible Officer of the respondent authorities shall oversee the progress of the work be made.

5           We direct the respondent authorities to complete the formation of the road in or before April 2017.

6           With these observations, petition is disposed of.

**(M.S. SONAK, J.)**

**(CHIEF JUSTICE)**