

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO.146 OF 2016**

Rajabhau Kisanrao Kadam .. Petitioner
V/s
The State of Maharashtra & Ors .. Respondents

Ms.PV. Nichani, Advocate for the petitioner.

Mr.P.P. Kakade, AGP for the State.

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

DATE : 7th OCTOBER 2016

P.C.:

1 The petition is filed by the petitioner as a *pro bono publico* seeking following reliefs.

2 The grievance of the petitioner seems to be that subsequent to division of Pune City in the year 1997 by which 23 villages got combined with Pune Municipal Corporation, respondent no.2, the Hadapsar Vidha Sabha Electoral (residents) of Hadapsar

Kondhwa Region are totally neglected, so far as planning and development of this region. None of the elected representatives took any interest in the welfare of these villages. Therefore, there is no economic growth at all in this entire region.

3 On west side of the Pune-Mumbai road, Pune-Solapur bypass road runs, and this is also known as Katraj-Kondhwa road. On southern side of Pune-Mumbai region, Pune-Satara-Bangalore road passes. On the northern side, the road which is the entry towards Pune City and the said location is directly from Katraj main chowk. All this is depicted at Exhibit-A. According to writ petitioner, Pune Municipal Corporation and Government have totally failed to allot any finances to these villages, and general public of the said area have lot of difficulties so far as to approach the main city. There is heavy traffic on Katraj-Kondhwa road and people experience heavy traffic. Katraj-Kondhwa road requires immediate attention of the authorities concerned. There are residential areas on either side of the road which goes to Solapur bypass known as Gokulnagar and Khadi machine area. The planning authorities provided in the

development plan of Pune City wherein the breadth of Katraj-Kondhwa road is shown as 280 ft, but till date, only 40 ft is developed. On account of non-development, the road on which vehicles are plying i.e. Katraj-Kondhwa is so congested since 3 main roads are connected i.e. Pune-Solapur by-pass, Pune-Solapur-Bangalore and Pune-Mumbai road. Practically, it has become not only difficult, but hazardous for the drivers of the smaller vehicles to pass, as well as pedestrians to move on this road. Though Rupees 15 crore was sanctioned from the fund of Road Defert by the first respondent, no progress, at all, is made for widening of Katraj-Kondhawa road since said funds were diverted for some other purpose. Inspite of several crore of rupees being allotted for the development of Katraj-Kondhawa road, the Pune Municipal Corporation and Public Works Department (PWD) have not at all taken any steps for widening the road by demolishing the illegal construction on either side of said road. Unless smaller arterial roads abutting the Katraj-Kondhwa roads are developed and widened, problems of the general public will not come to an end. Regular rallies are conducted on this road seeking development of these

roads, but no development has taken so far by taking steps. The enlargement of roads is the only solution for reducing the heavy traffic congestion. There are several temples adjacent to these roads which also results in heavy traffic. Unless development of road by repairing and widening the Katraj-Kondhwa road is done, there will not be any solution. Several applications and complaints to know how the money spent on development of this road have gone in vain. Though huge taxes are collected, no action is being taken. Several meetings were conducted by various political parties, involving government authorities of highest order, but problems of residents of Katraj remains only at the stage of assurance and no action. Several accidents have taken place which was brought to the notice of the authorities. Several vehicles are parked on the said road since there is congestion. This leads to traffic jam and also accidents due to sudden movement of the buses parked on the down gradient road. According to the petitioner, the Katraj bus-depot built in 2009 gets about 2038 buses in and out from more than 46 places and there is no enough space to stop the buses. This compels the drivers of the buses to park their buses at the road which moves towards Swargate

road. Every week almost one accident happens, resulting in death of a person or serious injuries. According to the petitioner, several crore of Rupees meant for developing the road in question by widening the same are diverted for some other purpose, totally ignoring the dangerous and hazardous life the general public face on account of non development of the road in question.

4 Perusal of the entire Writ Petition and submissions of learned Advocate for petitioner, the grievance exposed seems to be with regard to non-consideration of hardship, inconvenience and discomfort faced by general public in not implementing and spending the money meant for development of the road. There is a murmur with regard to diversion of the funds as well. The authorities must address the grievance of the general public since Maharashtra Road Development Corporation and Public Works Department are meant for the welfare and benefit of the general public.

5 In the light of above discussion and reasoning, We dispose of the petition by directing the Maharashtra State Road Development Corporation and Public Works Department of the State of Maharashtra to treat this petition as representation of the petitioner and dispose of the same within two months from today addressing the grievances raised in the petition.

(M.S. SONAK, J.)

(CHIEF JUSTICE)