

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 234 OF 2014

Sarjerao Devappa Hande .. Petitioner
V/s
State of Maharashtra & Ors. .. Respondents

Mr. D.V. Sutar for the petitioner.
Mr. Ramesh Rane for respondent nos.2 and 4.
Mr. P.P. Kakade, AGP for the State.

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

DATE : 2nd DECEMBER 2016

P.C.:

The petitioner in this PIL petition is before us seeking the following reliefs:

- “(a) This Hon'ble Court is pleased to direct Respondent No.4 Village Panchayat to provide all basic civic amenities like drinking water, drainage system, roads and street lighting etc. to the petitioner and other slum dwellers staying on Gat No.925/6 situated at village Hupari, Tal. Hatkanangale, Dist. Kolhapur forthwith.*
- (b) Pending the hearing and final disposal of this Public Interest Litigation, direct Respondent No.4 Village Panchayat to provide all basic civic amenities like drinking water, drainage system, roads and street lighting etc. to the*

*petitioner and other slum dwellers staying on Gat No.925/6
situated at village Hupari, Tal. Hatkanangale, Dist.
Kolhapur forthwith.”*

2. The main contention of the petitioner is that he and the other slum dwellers belonging to Dhangar Community and are in possession and occupation of the land belonging to Government and using the same for their residential purpose for the last 48-50 years. It is further contended that without any basic civic amenities, they are pulling on their lives as it is and, therefore, at least the respondent authorities must be kind enough to give patta of the land to the respective persons who are in occupation of the land for the last 48-50 years.

3. This is nothing but a decision which has to be in the arena of policy decision of the Government whether the persons of the community in question are residing in the said area for the last 48-50 years in a very bad condition and whether they deserve grant of patta in their favour and thereafter to improvise the colony as such.

4. It is not in dispute that by an order dated 4th March 2011, another writ petition being Writ Petition No. 8685 of 2010 was disposed of by this Court wherein the respondent Authorities were directed to consider whether the land could be granted to the occupants instead of dispossessing them from the land.

5. We see from the record that the regularisation exercise is also pending before the respondent authorities. Unless there is regularisation of these occupants on the land in question, we are afraid there cannot be a statutory obligation on the part of the respondent authorities to provide basic civic amenities unless this is already taken into consideration as part of the Panchayat or the Local Authority concerned.

6. In the light of the above observations, we direct the respondent authorities to honour the directions earlier issued by this Court as well as the representation arising in this writ petition within 2 months from today.

7. The PIL is disposed of with the above directions.

(M.S. SONAK, J.)

CHIEF JUSTICE