

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION (ST) NO. 17410 OF 2016

Vishwasrao Sukhadeo Deokar	.. Petitioner
V/s	
State of Maharashtra & Ors.	.. Respondents

The petitioner in person.
Mr. A.B. Vagyani, Government Pleader with Mrs. M.P. Thakur, AGP
for the respondent – State.

**CORAM: DR. MANJULA CHELLUR, CJ. &
G.S. KULKARNI, J.**

DATE : 13th JANUARY 2017

P.C.:

The petitioner, who is a lawyer, is espousing the cause of public in this PIL seeking following reliefs:

- “(a) Rule be issued;*
- (b) That this Hon'ble Court be pleased to direct the Respondents to take policy decision to make effective the Section 14(1) (j-5)(i) and (ii) of the Bombay Village Panchayat & Maharashtra Zilla Parishads & Panchayat Samiti's (Second Amendment) Act, 2010 (MAH-XXXIII of 2010) (w.e.f. 10.01.2011) by considering the complaints with proofs (photogenic) by the rival parties or any citizen*

of India for invalidating the certificate issued by the Gram Sevak or any other appropriate Authority for having and using toilets/WCs/Latrines in favour of the citizens.

- (c) that this Hon'ble Court be pleased to direct the Respondents to take any policy decision for taking any other action against the non-user and their family, which is fit, proper and suitable as per the requirement of the situation at the time of giving and offering any government benefits.*
- (d) That the costs of this Public Interest Litigation be awarded in favour of Petitioner from Respondent, by this Hon'ble Court."*

2. According to the petitioner, in spite of the amendment in Section 14(1) by introducing sub-section (j-5)(i) and (ii) of the Bombay Village Panchayat & Maharashtra Zilla Parishads & Panchayat Samiti's (Second Amendment) Act, 2010 ["Bombay Village Panchayat Act" for short], so far as civic amenities with reference to toilets are concerned, there is no workable mechanism which is investigating into the matter and proceeding further with regard to disqualification of such members. According to him, though there is a statute which disqualifies a panchayat member for non-compliance of mandate in sub-section (j-5)(i) and (ii) of Section 14(1) of the Bombay Village Panchayat Act, but there is no proper implementation. According to the petitioner, the solution suggested

by him in the PIL would be a proper mechanism without much expenditure to the Government.

3. No doubt, in order to see that no pollution of environment is done, the petitioner is seeking implementation of the law already made by way of amendment. He is not complaining against any particular person violating the above law. His grievance is that there is no mechanism to find out whether the certificate issued in terms of the abovesaid provisions of law is really genuine, in other words, whether the member has complied with such mandate or not, no one is taking an audit. According to the petitioner, even the complaints filed in this regard have no mechanism to take them to a logical end.

4. In the light of the concern shown by the petitioner, we are afraid that we cannot grant writ of mandamus except directing the concerned authorities to look into the grievance shown by the petitioner and take a decision accordingly. In that view of the matter, we direct the respondents to treat this PIL as a representation and consider the grievance of the petitioner accordingly.

5. The PIL is disposed of with the above observations.

(G.S. KULKARNI, J.)

CHIEF JUSTICE