

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO.18 OF 2016

Sachin Anil Choughule & Anr .. Petitioners
V/s
State of Maharashtra & ors .. Respondents

...

Mr.Nikhil Patil i/b Mr.Prabhakar Jadhav, Advocate for the petitioners.

Mr.Sarang Aradhye, Advocate for respondent no.2.

Mr.I.M. Khairdi, Advocate for respondent no.3.

Mr.P.G. Lad with Ms.Aparna Murlidharan and Devendra Tiwari,
Advocates for respondent no.4.

Mr.PS. Dani, Sr. Advocate with Mr.Prashant Patil for respondent no.5.

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

DATED: 17th MARCH, 2017

P.C.:-

1 Heard learned counsel for the petitioners as well as Road Transport Corporations, Municipal Corporation and the Developer. According to the petitioners, under the guise of modernizing the Bus stand complex at Pandharpur, a contract was given to the fifth respondent firm, and in spite of bringing to the notice of the respondent corporations about the illegalities and the deviations made by the fifth respondent, insofar as the

Tilak

construction of the bus-stand complex (including commercial wing) in terms of sanctioned plan, no action whatsoever is taken, and therefore, petitioners have come before this Court seeking proper action into the matter. As we notice from the submissions of respondent corporations, a complaint seems to have been lodged to the Collector of Solapur, who in turn, along with the copy of the complaint sent the same to second respondent – municipal council directing to make a detailed inquiry and take suitable action. Accordingly, a notice u/s.53(1) of Maharashtra Regional and Town Planning Act, 1966 came to be issued which is part of the record filed along with the affidavit in reply of second respondent. As early as on 5th March 2015, proceedings were initiated. This notice is addressed to respondent no.4 – Road Transport Corporation, who in turn seems to have handed over a copy of the notice issued by municipal council to the fifth respondent firm who is the developer for his information.

2 What we notice from the records is that the notice dated 5th March 2015 addressed to fourth respondent – Road Transport Corporation was also addressed to fifth respondent. However, the respondents cannot escape the responsibility of taking the proceedings already initiated to a logical end. Having attempted illegal construction or deviations from the sanctioned plan, it is the utmost responsibility and duty of the municipal council to see that the action initiated in terms of Exhibit-6 dated 5th March 2015, are taken to logical end. Till petitioners knock at the doors of this Court, nothing seems to have happened, except exchanging the correspondence or the

notices. The grievance being voiced in 2014, and even in 2017, we are still at the stage of exchanging a reply to the show cause notice issued way back in 2015. This is a very sad state of affairs. The action is expected not just on paper, but it should be implemented as well.

3 In the above circumstances, we direct the second respondent – municipal council to complete the action already initiated by them by taking the proceedings to its logical end, strictly complying with the provisions of the said Act. The said exercise has to be completed within a period of four weeks from today.

4 Public Interest Litigation is disposed of accordingly.

5 All other contentions are kept open.

(G.S.KULKARNI, J)

(CHIEF JUSTICE)