

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Public Interest Litigation No.138 of 2016

(Bhadu Anantrao Meshram & Ors. Vs. State of Maharashtra & Anr.)

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. M.V. Samarth, Advocate for petitioner.
Mrs. Kalia, AGP for respondent Nos. 1, 4 & 5.
Mr. Parihar, Advocate for respondent nos. 2 & 3.

**CORAM : B.P.DHARMADHIKARI &
R.B.DEO, JJ.**

DATE : 28.06.2017.

Heard Advocate Shri. Samarth for petitioner,
learned AGP for respondent nos. 1, 4 & 5, Advocate Shri
Parihar for respondent nos. 2 & 3.

The grievance of petitioners that they are not
permitted to ferry passengers from Maharashtra bank of
Vainganga river to Madhya Pradesh bank thereof and are
being deprived of their livelihood, has been taken note of
as PIL.

Advocate Shri Samarth submits that
passengers from almost nine villages as of routine, cross
the river and great inconvenience is caused to them.

Learned AGP is relying upon reply affidavit and

the Pursis filed on 12.6.2017 with Minutes of Meeting conducted on 9.6.2017.

Advocate Shri Parihar appearing for respondent nos. 2 & 3 is strongly opposing any intervention. He points out that human life is at risk and in a tragedy, which gave rise to this dispute, about 32 lives were lost. 13 out of them were children. He stresses that there are no safety measures and regulatory provisions, therefore, vessels not fit for plying are used.

Advocate Shri Samarth dispute this.

Learned AGP points out that authorities not only in Maharashtra but also Madhya Pradesh need to look into the grievance.

Perusal of Minutes of Meeting dated 9.6.2017 show that their old traditional vessels were out of date and representatives of petitioner agreed to obtain new vessels. They also agreed to its inspection / certification by an authority like N.D.R.F., Pune or other similar institute. After the vessels were certified as fit for transport, the petitioners / their societies were given liberty to apply to Zilla Parishad and zilla Parishad was to take necessary action.

Respective counsel appearing before us are not in position to point out any law regulating transport across the river within State or then inter-State. Advocate Shri Samarth fairly submitted that members of society including petitioners are ready and willing to abide by proceedings as recorded on 9.6.2017. As Zilla Parishad has pointed out an unfortunate accident and the fact that vessels used were found not up to date and societies agreed to replace the same itself reveals need of proper security check-up and measures to be applied in the mater. If there is no such provision anywhere, Collector, Gondia (respondent no. 5) or Divisional Commissioner at Nagpur can take a suitable policy decision in this respect. They can examine vessels for their worth and fitness to carry such passengers, provide for registration with carrying capacity and also provide fix points for boarding and de-boarding so that the number of persons getting on and off can also be regulated.

We accordingly direct respondent no. 5 and Divisional Commissioner at Nagpur to look into this issue and to see that proper solution is worked out within next 6 months. However, till then, petitioners can not be

denied means of their livelihood. Hence, if they procure new vessels and obtain the certificate of its fitness as per discussion in meeting dated 9.6.2017, it will be open to them to apply to Zilla Parishad for obtaining necessary permissions. It will be open to Zilla Parishad at that stage to inspect vessels and to pass suitable orders.

With these directions and keeping all other contentions open, we dispose of PIL. No cost.

JUDGE

JUDGE