

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.**

PUBLIC INTEREST LITIGATION NO. 32 OF 2017

Vitthal S/o Narayan More

Petitioner...

Versus

The State of Maharashtra & Ors.

Respondents...

.....
Mr N. P. Bangar, Advocate for the petitioner
Mr P. K. Lakhotiya, AGP for respondent/State
Mr K. B. Jadhavar, Advocate for respondent No. 3
Mr S. S. Kazi, Advocate for respondents No. 5 to 8
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**CORAM : R. M. BORDE &
A. M. DHAVAL, JJ.**

DATE : 19TH JULY, 2018.

PER COURT:-

1. Respondent No. 3 was called upon to explain as to why action shall not be initiated against him for not responding to the notice issued by this Court and consequential failure of the concerned respondent to cooperate this Court in the matter of administration of justice. Respondent No. 3 through his subordinate presented an affidavit and tendered apology. Apology tendered by the respondent No. 3 through his subordinate, is accepted. As such, the notice issued on 13th June, 2018 stands recalled.

2. The petitioner is praying for issuance of directions to the respondents to construct the balance portion of road connecting villages Ukhalwadi & Jatnandur, Tq. Shirur (Kasar), Dist. Beed. It appears that, the owners of agricultural land Gut Nos. 372, 374 and 382 presented a suit being Reg. Civil Suit No. 18/2000, seeking a decree of permanent injunction against the State and Zilla parishad, restraining them from laying road through their properties. The trial Court after considering the evidence has recorded a finding that defendants are illegally constructing the road through the land Gut Nos. 372, 374 and 382. The trial Court as such passed a decree restraining the defendants from carrying out the work of the proposed approach road from land Gut Nos. 372, 374 and 382. It is the contention of the respondents/State that the road in question passes through the land Gut Nos. 373 and 374, which do not belong to respondents No. 5 to 8. If that is the case, there was no reason for the Zilla Parishad to avoid completion of the balance work of the road. If at all, any portion of the road passes through the land belonging to respondents No. 5 to 8, it is open for the Zilla Parishad to adopt proper procedure and complete the balance work of the road. In any case, it is the responsibility of the Zilla Parishad to complete the balance work of the road and provide necessary facilities to the concerned.

3. In the circumstances, this petition stands disposed of with a direction to the Zilla Parishad to complete the balance work of the road in question, as expeditiously as possible, preferably within a period of one year from today. If at all the proposed road passes through the land belonging to respondents no. 5 to 8, it shall be the responsibility of the Zilla Parishad to take steps as permissible in law for acquiring property. If it is the contention of the respondents No. 1 to 4 that, road does not pass through the property belonging to the respondents No. 5 to 8, the Zilla Parishad shall complete the balance work forthwith.

[A. M. DHAVALE]
JUDGE

[R. M. BORDE]
JUDGE

Punde