

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

995 WRIT PETITION NO. 5047 OF 2016

SHAIKH MUKARRAM MAHAMAD AZAM

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr.Y.K.Bobade

AGP for Respondent Nos.1 to 5 : Mr.P.K.Lakhotiya

Advocate for Respondent No.6 : Mr.Ganesh V.Mohekar

Advocate for Respondent No.10 : Mr.Bhushan
Kulkarni

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CORAM : R.M.BORDE AND

K.K.SONAWANE, JJ.

DATE: 20th April, 2018

PER COURT:-

1. The petitioner is praying for issuance of directions to respondent Municipal Council to remove encroachment made outside the public well and to lift the wastage spread over near the public well and also to make public well functional.

2. It is the contention of the respondent Municipal Council that the well in question was constructed some 40 years back. There was no water available in the well and since the well itself poses threat to the life of children and residents in the locality, it was voluntarily

closed down by public.

3. An application was moved by the residents of the locality stating therein that the well in question poses threat to the life of the residents in the vicinity. It is also informed by the residents of the locality that the well has been already closed and that it is not desirable to make it functional.

4. The Chief Officer, Municipal Council directed the Sanitary Inspector to conduct spot inspection and submit report. The Sanitary Inspector conducted inspection and has also drawn Panchnama on 10.02.2016. It is recorded in the Panchnama that the residents of the locality themselves have closed the well and it is not functional at present. It is also reported that the well in question poses threat to the residents of the locality.

5. The action appears to have been taken by the Municipal Council at the request of the residents of the locality.

6. It is further recorded in the report that the Municipal Council has taken steps for providing water to the residents in the locality and if at

all there is any grievance as regards supply of water, such grievance would be redressed.

7. Considering the aforesaid aspects, the grievance raised by the petitioner in the instant petition does not deserve to be considered. Moreover, the request made by the petitioner does not appear to be for the benefit of the public residing in the locality.

8. The Writ Petition is devoid of substance, hence stands rejected.

(K.K.SONAWANE)
JUDGE

(R.M.BORDE)
JUDGE

SPT