

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

WRIT PETITION NO. 12081 OF 2017

Atul s/o Nivrutti Gundre and Ors.

...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. S.V. Gundre, Advocate for Petitioners

Mr. S.Y. Mahajan, AGP for Respondent Nos. 1 to 3

Mr. S.S. Manale, Advocate for Respondent No. 4

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**CORAM : PRASANNA B. VARALE AND
MANISH PITALE, JJ.**

DATE: 09th OCTOBER, 2018

ORAL ORDER :

1. Heard Mr. Gundre, the learned Counsel appearing for the petitioners. The petitioners are before this Court. The petitioners are residents of village Andhori, Tal. Ahmedpur, Dist. Latur. It is submitted before us that the petitioners are having two grievances. The learned Counsel submitted that the first grievance of these petitioners is in respect of the encroachments and the second grievance is in respect of the construction of road in the village namely, the road from Andhori village to Aai temple Dhalegaon, the petitioners prayed by way of prayer clauses (B) and (C).

(B) By issuing writ of mandamus or any other appropriate writ, order or directions, the respondents be directed to construct a Panand Road from Andhdori (Maroti Temple) to Dhalegaon (Aai Devasthan), in pursuance to the administrative order dated 23.03.2016, issued by Respondent No. 4 and for that purpose issue necessary order.

(C) By issuing writ of mandamus or any other appropriate writ, order or directions, the respondents be directed to decide a representations made by the petitioners in regard to construct a permanent road i.e. Panand Road from Andhori (Maroti Temple) to Dhalegaon (Aai Devsthan).

2. The notice was issued by this Court on 5th October, 2017. The affidavit-in-reply is filed on behalf the Naib Tahsildar, Ahmedpur on 14.06.2018. Statements are made in paragraph Nos. 4 and 5 of the affidavit-in-reply. It is stated in clear and unambiguous terms that the encroachments have been removed and the road has been cleared. The copy of the panchanama drawn on 21st July, 2015 is also filed on record. It is interesting to note that in the panchanama, it is stated that the encroachment is removed and road is made clear and the petitioners also are the signatories to this panchanama. Thus, the grievance of the

petitioners in respect of removal of encroachment is already addressed and stood redressed by the authorities. In so far as the other grievance of the petitioners in respect of failure to construct road is concerned, the documents placed on record clearly show that the administrative approval was granted to the road from Andhori to Dhalegaon on 23.03.2016. Copy of the same is also placed on record. The copy of work order is also placed on record at page 17 of the Writ Petition dated 23.03.2016. Then there is representation to the Tahsildar dated 11.07.2017 and the perusal of the representation show that the petitioners have visited the Block Development Officer requesting the Block Development Officer to take necessary steps and then, it is stated that copy of the work order is annexed to the representation. When the documents make it clear that now, the matter of construction of the road or rebuilding of the road lies before the Zilla Parishad authorities or the subordinate officer of the Chief Executive Officer of the Zilla Parishad, like Block Development Officer, the petitioners have not approached to any of such authorities raising their grievance and it is only an insistence of seeking direction on the documents i.e. a representation to the Tahsildar. On the backdrop of these facts, we are unable to entertain the Writ Petition for the prayer clauses (B) and (C). The petitioners may approach the

appropriate authorities of the Zilla Parishad for raising their grievance, if the work is not yet started or the work is not getting the reasonable speed with a liberty to the petitioners to approach the appropriate authorities and further direction if such representation is made to the authorities of the Zilla Parishad, the authorities of the Zilla Parishad to consider the representation and decide these representation, needless to state on their own merits as expeditiously as possible.

3. With these directions, the Writ Petition is disposed of.

(MANISH PITALE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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