

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

**PUBLIC INTEREST LITIGATION NO. 4 OF 2016
RENUKADAS DATTOPANT VAIDYA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.A.N. Nagargoje, Advocate for the petitioner.
Mr.S.B. Yawalkar, AGP for respondent/State.
Mr.D.N. Patil (Bankar), Advocate for R-4 & 5.

**CORAM : S.S.SHINDE &
S.M.GAVHANE, JJ.
DATED : 25.04.2018**

P.C. :-

1. Heard learned Counsel appearing for the petitioner, learned AGP appearing for respondent/State and its officials and learned Counsel appearing for the respondent/Corporation.

2. Pursuant to the notice issued to the respondents, the respondent/State has filed reply. Along with the said reply, the Government Resolution dated 02.08.2016 issued by the Urban Development Department, Government of Maharashtra is placed on record. Relying upon contents of the said Government Resolution, learned AGP submits that the policy has undergone change in relation to identifying persons below poverty line. In present PIL there is an innocuous prayer inasmuch as the petitioner sought directions to the respondents to carry

out fresh survey and prepare new list of below poverty line persons. The Division Bench of this Court [Coram : S.C. Dharmadhikari & Mangesh S. Patil, JJ.] on 13.07.2017 passed following order:-

1. Reply affidavit of respondent Nos. 4 and 5 is taken on record.

2. Let the Secretary, Department of Urban Development, Mantralaya, Mumbai based on the letter dated 12th May, 2017 from the Directorate of Municipal Administration addressed to the Joint Secretary, Department of Urban Development clarify to this Court as to whether the urban poor have been identified, even if, changed criteria is adopted. The Court is concerned and wants to know whether the State would put the Project Director (National Urban Livelihood Mission), Municipal Corporation Aurangabad and the Commissioner, Municipal Corporation in the requisite funds so that, after identification of the urban poor, they can make the payment to beneficiaries expeditiously.

3. We do not want any scheme to remain on paper and the urban poor to suffer. The anxiety is one may identify them by any process either income or on the basis of census figures particularly down trodden and backward residents in urban areas, they should obtain some benefits and to meet both ends.

4. We want Mr. Karlekar to seek instructions from the concerned department or else we would be constrained to summon the Secretary. The Secretary, Department of Urban Development, Mantralaya, Mumbai is directed to depute one responsible officer to see Mr. Karlekar, the learned A.G.P."

3. In the light of above, we direct the respondents to carry out fresh survey so as to find out persons below poverty line and prepare the list of such persons afresh,

if already not prepared, keeping in view the aforesaid Government Resolution issued by the State Government.

4. Needless to observe that while doing such exercise, the respondents shall also keep in view the order passed by the Division Bench of this Court dated 13.07.2017, which is reproduced herein above. If it is necessary, the respondents shall hear the petitioner and take appropriate steps as indicated above, as expeditiously as possible, however, within six months from today.

5. With above observations, the Public Interest Litigation stands disposed of.

6. List under the caption "For Compliance" on 22.10.2018.

[S . M . GAVHANE , J .]

[S . S . SHINDE , J .]