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

WRIT PETITION NO. 4246 OF 2019

Sarang S/o Kerba Gorge
Age: 63 years, Pensioner and Agri
R/o Sawargaon Mal Tq.Bhokar
Dist Nanded.

..PETITIONER

VERSUS

1. The State of Maharashtra
Through its Principal Secretary
Urban Development Department,
Mantralaya- Mumbai-32
2. The Collector Nanded
District Nanded.
3. The Tahsildar Bhokar
Tq Bhokar Dist. Nanded
4. The Block Development Officer
Panchyat Samiti Bhokar
Dist. Nanded.
- 4A. The Chief Executive Officer,
Zilla Parishad, Nanded.

..RESPONDENTS

Mr G. N. Kulkarni (Mardikar), Advocate for Petitioner;
Smt G. L. Deshpande, A.G.P. for respondents

**CORAM : PRASANNA B. VARALE
AND
NITIN W. SAMBRE, JJ.**

DATE : 2nd APRIL, 2019

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ORAL ORDER:

At the outset, the learned Counsel for the petitioner orally prays for amendment to the petition by addition of Chief Executive Officer, Zilla Parishad, Nanded as party respondent. Oral prayer is allowed. Amendment to be carried out forthwith.

2. A limited grievance is raised in the petition. Our attention was invited to the documents placed on record to submit that in the year 2016, as there was a dire need of drinking water in the area of taluka of Bhokar, the respondents - authorities and more particularly, respondent Nos.3 and 4 thought it fit to acquire the well of the petitioner for supply of water. The order to that effect dated 20th January 2016 is placed on record. In the order itself, the Tahsildar states that the petitioner would be entitled for receiving the amount against the use of water and a certificate is also placed on record issued by Sarpanch to state that for a period from 1st December 2015 to 31st May, 2016 the water from the well of the petitioner was lifted through bore well and it was distributed to the residents for drinking purpose.

3. The petitioner then approached respondent No.4 by submitting an application/ representation dated 26th April, 2017 apprising the authority about the factual aspect of acquisition of well and non-payment of amount against the use of the water. The application is pending for a considerable long period before the authority and as the authority is sitting tight over the

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application, the petitioner is left with no choice but to approach this Court by filing writ petition.

4. In view of the above referred facts, the petition is disposed of with directions to respondent No. 4 to decide the application dated 26th April, 2017, needless to state on its merits and if the application is positively decided in favour of the petitioner, the added respondent to the petition namely, Chief Executive Officer, Zilla Parishad, Nanded to take further steps as expeditiously as possible.

(NITIN W. SAMBRE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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