

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

WRIT PETITION NO. 5761 OF 2014

- 1) The Village Panchayat, Belapur (Bk.)
Through its Sarpanch
Smt. Vimaltai w/o. Vilas Mehtre,
Age: 48 years, Occ: Household,
R/o. Belapur (Bk.), Tq. Shrirampur,
Dist. Ahmednagar.
- 2) Vilas s/o. Gangadhar Mehetre,
Age: 52 years, Occ: Agri.,
- 3) Sanjay s/o. Kashinath Sirsath,
Age: 46 years, Occ: Agri.,
- 4) Shaikh Mushtak Umar,
Age: 38 years, Occ: Service,

The Res.No.2 to 4 is the
R/o. Belapur (Bk.), Tq. Shrirampur,
Dist. Ahmednagar.

... **PETITIONERS**

VERSUS

- 1) The State of Maharashtra,
Through its Secretary Revenue & Forest
Department, Mantralaya, Mumbai-32.
- 2) The State of Maharashtra,
Through its Secretary Irrigation
Department, Mantralaya, Mumbai-32
- 3) The Chief Engineer,
Maharashtra Jivan Pradhikaran,
Urban and Rural, Kopari Colony,
Thane.

- 4) The Superintendent Engineer,
Maharashtra Jivan Pradhikaran,
Jalbhaven, Near Tarakpur S.T. Stand,
Ahmednagar.
- 5) The State Farming Corporation Ltd.,
Through its Managing Director,
Bamburda, Senapati Bapat Marg,
Pune-16.
- 6) The Collector, Ahmednagar,
Dist. Ahmednagar.
- 7) The Sub-Divisional Officer,
Shrirampur Division, Shrirampur.
- 8) The Tahasildar, Shrirampur,
Tq. Shrirampur, Dist. Ahmednagar.

... **RESPONDENTS**

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Mr. Rahul Karpe, Advocate for Petitioners.

Mr. A. B. Chate, AGP for Respondent Nos.1, 2 & 6 to 8.

Mr. D. P. Bakshi, Advocate for Respondent Nos.3 & 4.

Mr. P. V. Barde, Advocate for Respondent No.5.

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**CORAM : T. V. NALAWADE &
SUNIL K. KOTWAL, JJ.**

DATE : 29th January, 2019.

ORAL JUDGMENT: (Per T. V. Nalawade, J.)

. Rule. Rule made returnable forthwith. By consent, heard
both the sides for final disposal.

2 The petition is filed for giving direction to the Respondents / Authorities to immediately implement *Rastriya Gramin Jalpey Yojna* for expansion of existing water supply scheme alongwith creation of storage tank and for that make utilization of land Gat Nos.69, 70 and 71 of village Sirasgaon, Tahsil Shrirampur, District Ahmednagar. The submissions made and record show that the old scheme was of the year 1975. The record shows that there is leakages in the water supply line and due to increase in the population, persons of village Belapur (Bk.), Shrirampur are not able to get sufficient drinking water. In view of these circumstances, Gramsabha passed resolution in the year 2013 and decided to take aforesaid steps, have expansion of old scheme. The submissions made show that this decision of Gramsabha was forwarded to the Respondents / Authorities, but as yet no decision is taken by the State Government and Jivan Pradhikaran.

3 The submissions made show that at the place required, Village Panchayat has the land admeasuring 8 to 9 Acres. The land from Gat Nos.69, 70 and 72, some part is with the State Farming

Corporation. The submissions made for State Farming Corporation show that around 13 Acres 14 Gunthas is already acquired by the State Government and that land must be available with the State Government. However, the learned counsel representing the Farming Corporation submitted that even formal proposal from the Village Panchayat is not received and steps can be taken only when formal proposal is received. Jivan Pradhikaran is only implementing authority and apparently the resources need to be made available by the State Government. In the year 1975, population was around 11000 and when resolution came to be passed in the year 2013, it was 26000. Further, the circumstance that previous scheme was very old and supply lines must have become useless, need to be kept in mind. Similarly, there must be problem of tank and its capacity. Similarly, there will be creation of water treatment plant and it needs to be of more capacity now. Fortunately, from old source itself, water is available, which can be utilized for the scheme.

4 Attention of this Court was drawn to one order made by this Court in Writ Petition No.6270 of 2014. That proceeding is on board today and the interim order shows that distribution of land,

which is with Farming Corporation under the provisions of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 is stayed by observing that the Corporation is violating the provisions of enactment and it is acting in excess of the jurisdiction. In the present matter, we are considering that prayer and the present order is required to be made in public interest and the land will be given to the local body for utilization for aforesaid purpose. So, to the extent of the requirement of the present matter, this Court is modifying the previous order to see that there is no hurdle there in implementing new scheme for drinking water supply for village Belapur (Bk.). In the result, the following order is passed:

ORDER

- I. The petition is partly allowed.
- II. Village Panchayat is to submit formal proposal to the State Farming Corporation for making available the land. Copy needs to be sent in advance to the Jivan Pradhikaran and the State Government so that things are expedited.
- III. The State Government is expected to see that the land, which is required and which is with the

Government or Farming Corporation is immediately made available for the scheme and the funds are also made available to the Village Panchayat for the aforesaid scheme.

- IV. The Village Panchayat is expected to submit the proposal to the State Farming Corporation within two weeks from today and the State Farming Corporation is expected to take further steps within four weeks thereafter and the State Government is expected to make available the funds and land for the scheme within two months thereafter.
- V. Rule is made absolute in those terms.

[SUNIL K. KOTWAL, J.]

[T. V. NALAWADE, J.]

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