

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

907 PUBLIC INTEREST LITIGATION NO. 73 OF 2019

Subhash Madhadeo Adagale,
Age. 48 yrs., Occ. Agri & Social work,
Councilor of Nagar Panchayat, Patoda,
R/o. Patoda, Tal. Patoda,
Dist. Beed.

...Petitioner.

Versus

1. The State of Maharashtra,
Through the Secretary
Urban Development Act
Mantralaya, Mumbai-32.
2. The Divisional commissioner,
Aurangabad.
3. The Collector,
Beed, Dist. Beed.
4. Nagar Panchayat,
Patoda, Tal. Patoda,
Dist. Ahmednagar,
Through its Chief Officer.
5. The Principal
Government Polytechnic
Beed.
6. M/s. Sabir construction
Proprietor Sayyed Shahnavj Sayyed
Abdulla, R/o. Kranti Nagar Patoda,
Near Renukamata Mandir,
Tq. Patoda, Dist. Beed.

...Respondents.

Advocate for Petitioner : Mr. N.L. Jadhav.
AGP for State : Mr. P.S. Patil.

CORAM : PRASANNA B. VARALE &
R. G. AVACHAT, JJ.

Dated : 27.06.2019

PER COURT :

1. Heard Mr. Jadhav, the learned counsel appearing for the petitioner.

2. In the present Public Interest Litigation, the grievance of the petitioner is that under the scheme of State Government known as "Lokshahir Annabhau Sathe Vastisudhar Yojana", work was allotted for construction of cement road, from the place known "Jagannath Adagale" to "Maruti Temple". The copy of work order is placed on record at Exhibit 'C'. The above referred work finds place at serial No. 1 in the work order dated 13.06.2018.

3. The petitioner had approached the Chief Officer of the Municipal Council, Patoda, raising the grievance of sub-standard quality construction work. The petitioner submitted in the representation that instead of using sand in the construction work, the metal and dust are being used. The petitioner also submitted the representation to the Collector, Beed, with a warning to the Collector that if he fails to take cognizance, the petitioner would proceed for committing suicide in front of Sub Divisional Office at Patoda. To the application dated 20.11.2018, the Sub Divisional Officer promptly

replied to the petitioner on the very day i.e. on 20.11.2018, that the representation is pending consideration of the Collector, but the petitioner shall refrain himself from taking extreme steps like committing suicide.

4. It seems that within couple of days, the Tahsildar, Patoda, informed the Chief Officer, Municipal Council, Patoda, about the representation of the petitioner and apprised the Chief Officer about the seriousness of the representation and then requested the Chief Officer to conduct an enquiry and submit the report.

5. There is also communication placed on record forwarded from the office of Collector, Beed to the Chief Officer, Patoda. In response to the communications, the Chief Officer of Municipal Council, submitted his report to the Sub Divisional Officer on 07.12.2018. Now, it is the grievance of the petitioner that subsequent to the report submitted to the Sub Divisional Officer, there is no further progress in the matter.

6. It is also an allegation of the petitioner that in connivance with the Chief Officer, a mischief is being played. In so far as the grievance of the petitioner is concerned, though he submits that he is representing the cause of public at large, it seems that these are the

representations submitted by the petitioner who is occupying a position of Councillor of Municipal Council, Patoda.

7. Be that as it may, the other submission of the learned counsel for the petitioner is that the authorities are sitting idle and paying no heed. From perusal of the documents referred to above, we see no reason to say that the authorities were sitting idle. At the cost of repetition, we say that no sooner the representation was received by the Sub Divisional Officer, the Sub Divisional Officer immediately responded to the application/representation and further requested the petitioner that he should not take any extreme step of committing suicide. The office of the Collector has also informed the Chief Officer of Municipal Council to look into the matter. The report is also submitted by the Chief Officer to the Sub Divisional Officer. It seems that subsequent to the report, there is some delay in the matter.

8. Considering these facts, we are of the opinion that the present Public Interest Litigation can be disposed of with direction to respondent No. 3-Collector to seek a report which is submitted to the Sub Divisional Officer on 07.12.2018 by the Chief Officer, Municipal Council, Patoda, and then to take appropriate steps. The Collector is also at liberty to visit the spot or direct his subordinate to submit

report by visiting the spot. The Collector then to take appropriate decision on the applications/representations of the petitioner as expeditiously as possible and not later than 12 weeks from the date of order of this Court. The Collector is also at liberty to afford opportunity of hearing to the necessary parties including the petitioner and the Chief Officer of the Municipal Council, Patoda.

9. With these directions, petition is disposed of.

10. Authenticated copy be issued to the learned AGP.

(R.G. AVACHAT, J.)

(PRASANNA B. VARALE, J.)

S.P.C.