

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

PUBLIC INTEREST LITIGATION NO.77 OF 2019

CHANDULAL MOHANLAL BIYANI
VERSUS
THE CHIEF ENGINEER,
MAHARASHTRA STATE POWER GENERATION CO. LTD.,
AND OTHERS

Mr. S.V.Suryawanshi, Advocate for petitioner
Mr. P.S.Patil, AGP for respondent nos.3 to 8

**CORAM : PRASANNA B. VARALE
AND
R.G. AVACHAT, JJ.
DATE : JULY 05, 2019**

PER COURT :-

Heard Mr.Suryawanshi, learned Counsel for the
petitioner and Mr.Patil, learned AGP for respondent
nos.3 to 8.

2. In the present Public Interest Litigation, the
petitioner raises an issue of public interest in
respect of providing drinking water to the residents of
Parali-Vaijnath city, which is facing a severe shortage

of drinking water. Learned Counsel for the petitioner, in support of his submissions, tenders across the bar a copy of the letter dated 15.05.2019 sent to the Collector, Beed by the Sub-Divisional Officer, Parali-Vaijnath (which is not part of the petition). The same is taken on record and marked "X" for the purpose of identification.

3. This Court is aware of the situation prevailing in the State of Maharashtra in general and in the region of Marathwada in particular i.e. large scarcity of water in most of the districts of Marathwada region due to inadequate rainfall for preceding years. Even accepting this position, we are unable to entertain the petition for the reasons stated below :

4. The petitioner prays for giving directions to respondent no.9 to lift water from Khadka Dam and provide it to the residents of Parali-Vaijnath city and for that purpose, issue necessary writ or order.

5. Respondent no.1 is the Chief Engineer, Maharashtra State Power Generation Co. Ltd.; respondent no.2 is another Officer of Maharashtra State Power Generation Co. Ltd.; respondent no.3 is Tahsildar, Parli-Vaijnath; respondent no.4 is Sub-Divisional Officer, Parli-Vaijnath; respondent no.5 is Collector, Beed; respondent nos.6 to 8 are respective Secretaries of various departments of the State of Maharashtra; and respondent no.9 is the Chief Officer, Parli-Vaijnath Municipal Council.

6. Learned Counsel for the petitioner submits that the water storage available with respondent no.1 is more than sufficient for utilisation and generation of power. He further submits that as there is surplus water with respondent no.1, the same can be provided to the residents of Parali-Vaijnath City by permitting respondent no.9 to lift the same from the Khadka Dam.

7. The submissions made by learned Counsel for the petitioner are without any supporting material as to how much quantity of water is available with respondent no.1, how much quantity of water is needed for power generation and how much water is being kept as reserved for power generation unit. Secondly, all these aspects are of some technical expertise. We do not hesitate to state that this Court is not expert in the field of power generation so as to find that "X" quantity of water is sufficient enough or "Y" quantity for water is needed for power generation and how much water is available apart from its utilisation for power generation.

8. Further, the communication dated 11.06.2019, which is placed on record by the petitioner at Exh.'E' (page 21) to the petition, shows that respondent no.1 informed respondent no.9 – Chief Officer, Municipal Council, Parali-Vaijnath, that

necessary demand can be raised at the level of central office of Maharashtra State Power Generation Company through water resources department, so that there can be a decision for release of water from Jaikwadi Dam and in turn, for providing it to Parali-Vaijnath city through another small dam. There is no material placed on record post this communication so as to show that the Chief Officer, Municipal Council, Parali-Vaijnath took some action after receipt of the letter dated 11.06.2019. There is another document placed on record i.e. copy of an appeal published in the local newspaper at the instance of the Municipal Council, Parali-Vaijnath. Perusal of the same shows that the residents of Parali-Vaijnath have been appraised of the water scarcity and that they would be provided water by tankers. They also have been asked to utilise the water economically and with precaution.

9. Even assuming exchange of the communications between the Sub-Divisional Officer, Parali-Vaijnath and the District Collector, Beed, dated 15.05.2019, it is revealed that the Collector being the revenue head in the district, possesses ample and sufficient power to take appropriate steps for keeping water reserve for drinking purposes and to make necessary arrangement to provide water either from natural water sources or from private water resources. It is not necessary for this Court to guide the district administration of the steps they should take. We hope and trust that the Collector, Beed and the Sub-Divisional Officer would take appropriate steps considering the grave scarcity of drinking water in Parali-Vaijnath city.

10. The Public Interest Litigation, in our opinion, needs no indulgence of this Court and the observations made herein above as regards respondent no.5 – Collector, would take care of the situation.

With the above observations, the Public Interest Litigation is disposed of.

11. Authenticated copy of this order be provided to learned AGP. Learned AGP to communicate this order to respondent no.5 expeditiously.

[R.G. AVACHAT, J.]

[PRASANNA B. VARALE, J.]

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