

(1)

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

**CONTEMPT PETITION NO.649 OF 2019
IN
PUBLIC INTEREST LITIGATION NO.77 OF 2019**

Chandulal Mohanlal Biyani,
Age: 54 years, Occu: Social Work,
R/o. : Gurukrupa Nagar, Parli-Vaijnath,
Taluka : Parli-Vaijnath, District : Beed ..PETITIONER

VERSUS

Mr. Astik Kumar Paday,
Age: Major, Occupation: Service,
The District Collector, Beed,
District Collector Officer, Beed,
Taluka & District Beed ..RESPONDENT

Mr S. V. Suryawanshi, Advocate for petitioner

**CORAM : PRASANNA B. VARALE
AND
AVINASH G. GHAROTE, JJ.**

DATE : 9th October, 2019

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner at length.

2. The grievance raised in the present petition is of non-compliance of the order of this Court, dated 5th July, 2017, passed in Public Interest Litigation No.77 of 2019. Though this Court had observed that the

(2)

water scarcity in the State is a known fact, but then while considering the prayer, the Division Bench of this Court, to which one of us was a party (Prasanna B. Varale, J.), was pleased to observe that the prayer in the petition was for issuing directions to respondent No.9 to lift the water from Khadka Dam and provide it to the residents of Parli-Vajnath. The Division Bench, in para 9 of the said order referred to the exchange of the communications and further observed that the district administration was taking appropriate steps and an appeal was published to the residents of the area to utilise water economically and with precaution.

3. It may not be out of place to mention here that the representation was made to the Collector for lifting of water from the water sources available with the Thermal Power Station and provide it to the residents of Parli town. By no stretch of imagination, one can say that the revenue authorities would be expert enough to state that water available in the storage tank of Thermal Power unit is potable one or otherwise, nor these authorities can decide what should be the extent of water storage in the Thermal Power Unit and what part of that water storage can be utilised for providing water to the residents. These all issues are to be decided only by experts, such as, the experts in the Thermal Power Energy Sectors. Considering these very facts and

(3)

considering the fact that the revenue authorities were making attempts and were taking steps and the Collector, being the district head, was competent enough to make necessary arrangement to provide water from natural water resources or from private water resources, the public interest litigation was disposed of.

4. The grievance of the petitioner is in respect of the disposal of the petition and in spite of the representations submitted to the Collector, post decision of this Court, no steps are being taken by the Collector so as to lift water from the water storage available with the Thermal Power Energy Unit, cannot be considered in the contempt petition as the same is beyond the scope and compass of the Contempt of Courts Act. This being the clear position, we see no merit in the present contempt petition. The contempt petition, thus, being meritless, deserves to be dismissed at the threshold and same is dismissed accordingly.

(AVINASH G. GHAROTE, J.)

(PRASANNA B. VARALE, J.)