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

PUBLIC INTEREST LITIGATION NO.23 OF 2018

Shivaji s/o Anantrao Kulkarni,
Age: 64 years, Occu: Retired
Government Servant,
R/o Shanti Sadan, Ravi Nagar,
Jangamwadi, Nanded

..PETITIONER

VERSUS

- 1 The State of Maharashtra,
(The Department of Urban Development,
Government of Maharashtra,
Mantralaya, Mumbai-32,
Through the Secretary
2. The Nanded-Waghala City
Municipal Corporation, Nanded,
Through the Municipal Commissioner
3. The Divisional Commissioner,
Aurangabad Division, Aurangabad-cum-
The Director of Municipal Administration,
Aurangabad
4. The Collector, Nanded,
Tq. & Dist. Nanded

..RESPONDENTS

Mr A. G. Godhamgaonkar, Advocate holding for Mr M. D.
Godhamgaonkar, Advocate for petitioner;
Mr S. P. Sonpawale, A.G.P. for respondent Nos.1, 3 & 4;
Mr M. D. Narwadkar, Advocate holding for Mr M. V. Deshpande,
Advocate for respondent No.2

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

DATE : 19th September, 2019

ORAL ORDER:

Heard Mr Godhamgaonkar, learned Counsel appearing on behalf of the petitioner.

2. The grievance raised in the present public interest litigation is in respect of delay in providing the roads and more particularly a stretch of 15 meters road, namely, Shrinagar road to Jangamwadi M.S.E.B. Power Station to Taroda Naka (Purna road). It was the submission of Mr Godhamgaonkar, learned Counsel for the petitioner that though an administrative approval was granted for the very stretch of road by order dated 2nd February, 2007 and the estimated cost of the construction was Rs.3,24,47,000/-, there was no further progress in the construction of road and as such, the residents in general were the sufferers.

3. In view of above referred grievance being raised in this petition, notices were issued. By an order dated 12th January, 2016, the Division Bench of this Court thought it fit to seek response from the Municipal Corporation on the grievance raised in the petition. On 6th August, 2019, Mr M. D. Narwadkar, learned Counsel holding for Mr Deshpande, learned Counsel for respondent No.2 prayed for some time

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for filing an additional affidavit-in-reply for placing on record latest fact situation in the matter.

4. Mr Narwadkar, learned Counsel firstly invited our attention to the first affidavit-in-reply filed on behalf of respondent No.2 – Shri. Prakash Bhimrao Kamble, Executive Engineer (JNNURM), Nanded-Waghala City Municipal Corporation, Nanded to submit that though certain projects were undertaken for construction of road and the stretch of road referred to in the petition as well as in the administrative order dated 2nd February, 2007 i.e. Shrinagar road, to Jangamwadi M.S.E.B. Power Station to Taroda Naka was included in the project, subsequently due to shortage of budgetary allocation and other priority work, which was initiated for celebration of Guru-Ta-Gaddi festival, the administrative order for construction of that stretch of road was cancelled.

5. Mr Narwadkar, learned Counsel appearing for respondent No.2 invited our attention to the latest affidavit-in-reply filed on behalf of respondent No.2 – Shri. Shivaji Vithalrao Babre, Deputy Engineer, Nanded-Waghala City Municipal Corporation, Nanded and submitted that fresh administrative approvals are granted and the very stretch of road is included in the two administrative approvals dated 19th May,

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2017 and 2nd February, 2018. By inviting our attention to the administrative approval dated 19th May, 2017, Mr Narwadkar referred to the entire stretch of road which finds place at Sr. No.12 i.e. Samrat Ashoknagar to Jangamwadi road via workshop and this work is undertaken under the scheme known as "Dalit Vasti Sudhar Yojana" and estimated budget allocation for the said road is Rs.24,70,000/-. He then invited our attention to the subsequent administrative order dated 2nd February, 2018 to submit that another stretch of road finds place at Sr. No.7, namely, road from the house of Sakharam Kapure to Panchshil Dresses and the budgetary allocation of funds is to the tune of Rs.37,00,000/-.

6. Mr Narwadkar then submitted that as per the administrative approvals, the necessary formalities would be completed and the construction of road would be completed as expeditiously as possible.

7. The administrative approvals placed on record referred to above and the statement made on behalf of Nanded-Waghala City Corporation through Mr Narwadkar, learned Counsel is accepted and the same takes care of the grievance raised in the petition.

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8. We see no reason to pass any further order in the matter. The purpose of approaching this Court is now duly served. The public interest litigation, as such, is disposed of accordingly.

9. Needless to state that, if the petitioner is having any grievance of delay in work or not maintaining standard of construction in the work, he is at liberty to approach this Court for raising such grievance as and when occasion arises and if advised.

(AVINASH G. GHAROTE, J.)

(PRASANNA B. VARALE, J.)

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