

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

WRIT PETITION NO. 14049 OF 2018

Ashok Vasantrao Govindpurkar .. Petitioner

Versus

The Union of India and others .. Respondents

Shri Hanmant V. Patil, Advocate for the Petitioner.

Shri D. G. Nagode, Advocate for the Respondent No. 1.

Shri S. K. Tambe, A.G.P. for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVALA, JJ.**

DATE : 20TH MARCH, 2019.

FINAL ORDER :

. Mr. Patil, the learned advocate for the petitioner submits that, the respondents are not adhering to the conditions stipulated in the Government Resolution dated 25.09.2017. The respondent No. 2 is pressuring the respondent No. 3/Corporation to issue work order for STP plant without acquiring land.

2. The affidavit is filed by the Commissioner, Latur City Municipal Corporation. Para Nos. 9, 13 and 14 of the affidavit in reply read thus.

"9. The present deponent has also issued

proclamation in the news paper for consent from the farmers & for direct purchase of land for STP No. 2 but no response is received from the farmers. Thus due to non availability of land there is possibility of technical changes in the project and same is also informed by the Executive Engineer of respondent No. 4 who is Project Management consultant of the said project. Further the present deponent has made request to the State Government to sanction Rs. 20 crores for acquisition of the land for the S.T.P. project.

13. The deponent states that, the contentions raised in para No. 14 of the writ petition are specifically denied. The present deponent though project is sanctioned but no work order is issued till today and the work order would be issued after availability of land. If necessary, revised estimate in respect of the S.T.P. project would be forwarded to the competent authorities and after sanction of the same the necessary action would be taken. As the land Gut No. 71 and 72 is not available the necessary change has to be made in the scope of project and PMC has also specifically informed the present deponent on 14.11.2018 therefore, considering the condition No. 4.18 as per G. R. dated 25.09.2017, and as per para 251 of the public works Department's rules, no work order would be issued till land is made available for the project.

14. The deponent states that, the contentions

raised in para No. 15 of the writ petition are true without following the due process i. e. condition No. 4.18 of the G. R. dated 25.09.2017 and para No. 251 of the Rules of the Public Works Department no work order would be issued till the possession of the land is taken by the present deponent for the said project. Thus, considering the peculiar facts and circumstances of the present case, the present deponent assures this Hon'ble Court that, the work order of the project will not be issued till the land is made available for the project and the possession of the same is taken by the present deponent, thus considering the peculiar facts and circumstances of the present case, the writ petition may kindly be dismissed as present deponent has specifically stated on oath that no work order would be issued without availability of the land for the project."

3. The statement made in the affidavit in reply is accepted as an undertaking before this Court.

4. In view of the said statement, apprehension of the petitioner now does not survive. The writ petition accordingly is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]