

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO.23 OF 2011

Shri Rajkumar Chandrasen Chavan .. Petitioner

Vs.

Executive Engineer,
Rural Water Supply & Works
Division, Z.P. Raigad, Alibag & Ors. .. Respondents
...

Mr. B.G. Tangsali, A.G.P. for the Petitioner.

Mr. C.G. Gavnekar for Respondent Nos.1 and 2.

Ms. Nisha Mehra, A.G.P. for Respondent Nos.3 and 5.

**CORAM: PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.**

DATED : 21st AUGUST, 2019.

P.C:-

1. The pleadings in the Public Interest Litigation would show that taking note of the requirement to store water and construct percolation/minor irrigation tank, land measuring 6 Hectors 29 Ares and 50 Prati was acquired in Village Mauje Dande, Post Bangmandla, District Raigad. Thereafter, other than preparing proposals and seeking funds to be allocated, no progress could be made because no funds were available.

2. The response of the State Authorities is that if the Zilla Parishad has no funds, it should not start any project and if the Zilla Parishad started a project, the Zilla Parishad must fund the same.
3. The stand of the Zilla Parishad is that it has no funds.
4. The constitutional scheme envisages that local self-government issues to be dealt with at the local levels but the funds have to be made available by the State Government.
5. Having spend ₹18.31 lakhs way back in 1998 to acquire the land, it would be a waste of public money if the percolation/minor irrigation tank is not constructed. It ill-serves the public if the land remains vacant. It is the duty of the State to ensure that within its means water resources are made available to the citizens.
6. The Public Interest Litigation is disposed of directing the Secretary in-charge of the Minor and Major Irrigation Department of the State of Maharashtra to treat this Public Interest Litigation as representation to him and decide whether the percolation/minor irrigation tank needs to be constructed by the Zilla Parishad or by the Minor Irrigation Department of the State. The Secretary would be cognizant of the fact that public funds have been utilized to acquire the land. The same cannot be wasted. The Secretary (Irrigation) would co-ordinate with the Secretary (Finance) so that the budgetary allocation is made and necessary civil works executed.

7. The Secretary (Irrigation) shall do the needful within the current financial year so that the budgetary allocation is available in the ensuing financial year.

8. No order as to costs.

(SMT. BHARATI DANGRE, J.)

(CHIEF JUSTICE)