

Vidya Amin.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 21 OF 2011

Santosh Mahadeo Pitale ... Petitioner
vs.
Chief Officer, Nagar Panchayat Tale & Ors. ... Respondents

Mr. S.A. Ghaisas for the petitioner.
Mr. Rohit Sakhadeo for respondent no. 1.
Mr. Bharat Puneekar for respondent no. 4.
Mr. P.P. Kakade, GP a/w. M.M. Pabale, AGP for respondent 5 to 7.

***CORAM: PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.
DATED: 17th June, 2019***

P.C. :

Heard learned counsel for the parties.

2. The grievance in the Writ Petition is to the 9th respondent having constructed the 4th respondent complex and not ensuring that when the septic tank/sewerage tank overflows it discharges the effluent into the main drainage of the 1st respondent.

3. The counter affidavit filed by the first respondent brings out that the drainage pipe used to gets blocked and the 4th respondent

was taking no steps to clear the blockage.

4. The pleadings brings out that as and when the septic tank/sewerage tank would get filled, the excess effluent was not being discharged in a soak-pit nor was a pipeline laid to connect the sewerage tank to the main drainage channel in the village and the result was that the effluent flowing on to the roads; causing nuisance.

5. The Petition was filed in the year 2010-11 when the Gram Panchayat was the controlling authority. During the pendency of the Petition, the area falls within the limits of a Nagar Panchayat. Concededly, the Nagar Panchayat has laid down a concrete drain linking the sewerage tank of the 4th respondent complex to the main drain and thus the excess effluent now flows to the main drain.

6. The problem having been solved we terminate proceedings in the Writ Petition directing the Nagar Panchayat to ensure that the concrete drain remains free from obstructions.

N.M. JAMDAR, J.

CHIEF JUSTICE