

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

902 PUBLIC INTEREST LITIGATION NO.32 OF 2012

SANDEEP RAJENDRA KUTE AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Petitioners : Mr. Salunke V.D.
AGP for Respondents: Mr. S.D. Ghayal
Advocate for Respondents No.2 to 4 : Mr. Tatyasaheb Bhosale

...

CORAM : **Z.A. HAQ & S. M. GAVHANE, JJ.**

Date: February 25, 2020

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PER COURT :-

1 Heard.

2 By this petition, the petitioners have sought following reliefs:-

" (i) Hon'ble Court may kindly be direct the respondent No.1 to 5 to produce details of storage of water in storage tank at village Rajuri, Zambarewada, Jarud, Maujwadi, Pimpri, Umrad, Umri, Chincholi and Bhawanwadi at list for last 5 years.

(ii) To issue writ of mandamus or any other appropriate writ, order or directions in the like nature, it may kindly be hold and declare that, the proposed Tukur Storage Tank is not viable and accordingly direct the respondent No.1 to 5 to cancel the proposed project namely Tukur Storage Tank at Antharwan pimpri, Tq. & Dist. Beed. "

3 In response to the notice issued by this Court, respondents No.2 to 4 have filed their reply. Respondent No.5 has also filed reply.

4 We find that the respondents No.2 to 4, who should have assisted the Court on the points raised by the petitioners, have avoided to give reply on the relevant points and have made an attempt to mislead the Court by submitting that the Public Interest Litigation (PIL) is required to be dismissed in view of the orders passed by this Court in Writ Petition No.738/2004 and Writ Petition No.7265/11.

In both these petitions, the grievance was totally different than the grievance raised in the present PIL.

5 Be that as it may, this PIL was filed on 9.4.2012. This Court has not granted any interim order. From the record, we find that the petitioners have not been diligent in prosecuting the matter. Neither the learned Advocate for the petitioners, nor the learned Advocate for respondents No.2 to 4 are aware whether the work or the project i.e. storage tank at village Rajuri, Zambarewada is completed or not.

6 In the above facts, we are of the view that the petitioners are not interested in prosecuting the matter. Hence, the PIL is dismissed.

7 We find that there has been deliberate lapse on the part of respondent Nos.2 to 4 in assisting the Court. We direct the

respondents Nos. 2 to 4 to deposit
Rs.10,000/- each with the High Court Legal Services sub-
committee, Aurangabad Bench, Aurangabad within two months
from today.

(S. M. GAVHANE, J.)

(Z.A. HAQ, J.)

vbd