

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

SUO MOTO PUBLIC INTEREST LITIGATION NO. 4 OF 2019

The Registrar	
High Court of Judicature of Bombay,	
Bench at Aurangabad	... Petitioner
Versus	
The State of Maharashtra and others	... Respondents

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Mr. P P Mandlik Advocate (*Amicus Curiae*) for petitioner
 Mr. S. P. Sonpawle, AGP for respondent Nos. 1, 4, 5 and 7
 Mr. P R. Nangare, Advocate for respondent Nos. 2 and 3
 Mr. C. V. Bodkhe, Advocate holding for Mr. R. V. Gore, Advocate for
 respondent No.6
 Mr. P S. Pawar, Advocate for respondent No.8

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**CORAM : PRASANNA B. VARALE AND
R. G. AVACHAT, JJ.**

DATED : 11th MARCH, 2020

PER COURT :-

. By taking cognizance of a news item published in daily 'Sakal' newspaper on 16.09.2019 in respect of non availability of access road for school, Mr. P P Mandlik, learned counsel was appointed to assist this Court as an *amicus curiae*. Accordingly, the petition was presented in this Court and notices were issued.

2. A document is placed on record along with the petition at Exhibit-“E”. Certain photographs are placed on record at Exhibit-“F” to show that the road is unworthy due to water log in rainy season. A document is also placed on record at Exhibit-“E” to submit that the villagers though initially submitted representations, however on finding that there is no response, they were left with no choice to proceed on indefinite fast. On 19.08.2019 the Sub-Divisional Engineer (Construction), Zilla Parishad Sub-Division, Vaijapur informed the villagers of Sharifpur, a proposal would be immediately submitted through the Chief Engineer to the State Government for converting Ambewadi to Sharifpur road to a classified road from non classified road. It is also informed that with an immediate measure, a proposal would be sought for from the Gram Panchayat Shirasgaon for construction of road for facilitating the villagers in commutation and then it would be submitted to the Collector, Aurangabad through the Deputy Collector, Vaijapur for seeking necessary approval.

3. In response to notices issued, an affidavit-in-reply on behalf of respondent No.8 – Smt. Smita Hariman Pawar, Assistant Engineer,

Grade-I, P.M.G.S.Y. Chelipura High School, Station Road, Aurangabad, is filed. It is stated in the affidavit-in-reply that the office of the deponent is only the implementing agency of the work of up-gradation of the existing ODR and VR roads as per the road development plan done by the Public Works Department. It is further stated that the Public Works Department prepares the plans for upgradation of the roads for every 20 years. It is also stated that the necessary funds are given by the RDD, State Government and as per the road development plan 2001-2021, the said road is not included in the core network of the office of the deponent. It is further stated that it is the duty of respondent Nos. 2 to 5 and 7 to take steps for constructing the said road as the same will come under the jurisdiction of respondent Nos. 2 and 7 and they are the authorities who can take necessary steps for sanction and construction of new road from village Sherifpur to Ambewadi Gangapur road.

4. In the affidavit-in-reply filed on behalf of respondent No.7, it is stated that the proposal for inclusion of the said village road in road development plan 2001-2021 for Ambewadi-Sharifpur road km 00. to 6.0, proposal was received from the Executive Engineer, Zilla Parishad (W), Aurangabad vide his letter No.1821 dated 24.06.2019.

It is further submitted that the proposal was scrutinized by the office of the Chief Engineer and returned to the Executive Engineer, Zilla Parishad (W), Aurangabad for compliance of few points in the proposal vide letter No.6102 dated 27.11.2019. The copy of the letter dated 27.11.2019 is annexed to the affidavit-in-reply at Exhibit-“R-1”. It is stated that the compliance is not received from the Executive Engineer, Zilla Parishad (W), Aurangabad till today and the proposal is pending with Zilla Parishad, Aurangabad.

5. Today, Mr. Nangare, the learned counsel appearing for respondent Nos. 2 and 3 placed on record a copy of the communication dated 24.01.2020 forwarded to respondent No.7 – Superintending Engineer, P.W.D. Aurangabad Circle, Aurangabad and copy to the Executive Engineer, P.W.D. (West), Aurangabad and the Executive Engineer, Zilla Parishad (Construction), Aurangabad. Perusal of this document shows that the Executive Engineer, P.W.D. Aurangabad has submitted compliance by removing the deficiencies.

6. Considering the fact that the issue involved in the present Public Interest Litigation is of non availability of the approach road for the villagers in general and the students to attend the school and considering the assurance initially given by the Sub-Divisional

Engineer (W), Sub-Division, Vaijapur through communication dated 19.08.2019 and also considering that the rider of non receipt of the compliance of proposal raised in the additional affidavit-in-reply filed by respondent No.7 dated 17.12.2019 no more survives on the backdrop of the latest communication dated 24.01.2020, we, therefore, deem it appropriate to direct all the respondent authorities i.e. respondent Nos. 1 to 8 to coordinate each other and the respondents, i.e. respondent Nos. 2, 3, 4, 6, 7 and 8 to see that all the necessary compliance in respect of technical sanction and allocation of funds is completed before 15.04.2020 and the actual work of construction of road is completed by 15.06.2020, so that no sufferance and inconvenience is caused to the students to approach the school and the villagers residing in the area of in Sharifpur and Gangapur.

7. We further make it clear that the respondent authorities may take all appropriate steps to do this work on priority basis and no attempt be made to approach this Court for seeking extension of time. We are stating this for the reason that such an attempt would affect and frustrate our order.

8. We further direct the respondent authorities to submit compliance report of this order to this Court on or before 30.06.2020.

9. The Public Interest Litigation is disposed of and it would be posted before this Court only for placing on record the compliance report.

10. We appreciate the assistance provided by Mr. Mandlik as an *amicus curiae*.

11. Authenticated copy be provided to the learned AGP and the learned counsel appearing for the Zilla Parishad.

[R. G. AVACHAT, J.]

[PRASANNA B. VARALE, J.]

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