

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

PUBLIC INTEREST LITIGATION NO.06 OF 2020

Ramesh Raosaheb More and others ... Petitioners
Versus
The State of Maharashtra and others ... Respondents

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Mr. Vaibhav U. Pawar, Advocate for petitioners
Mr. D. R. Kale, Government Pleader for the State

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

DATED : 18th FEBRUARY, 2020

PER COURT :-

. Heard learned counsel for the petitioners at length.

2. It is submitted before this Court that the petitioners are agriculturists and are resident of a small village situated in Ambad Taluka, District Jalna. Our attention is invited to the copies of representations submitted to the revenue authorities and also the head of district administration. The documents at Exhibit-“C” are the first representation submitted to the Tahsildar i.e. respondent No.9 way back in 2013. The grievance raised before the Tahsildar is of non availability of approach road to the agriculturists from one village to another, namely village Patharwala (Bk) to Patharwala (Kh). Then, our

attention is invited to a panchanama drawn in the year 2014 in presence of the revenue authority i.e. the Circle Officer. Perusal of the copy of panchanama shows that it is an admitted position of non availability of the road. It is stated in the panchanama that by removing of the flow of water, entering in the field, necessary steps can be initiated for approach of road. The petitioners then submitted a representation on 12.02.2014 to the District Collector, Jalna. It seems that it was a representation with a notice of fast. The office of the Collector, Jalna, took immediate cognizance of the said representation/ notice of undertaking fast and forwarded a communication to the subordinate officer i.e. Tahsildar, Ambad, directing to take appropriate steps expeditiously and submit compliance report. In turn, the Tahsildar forwarded the communications to the Circle Officer, Godi and Talathi Sajja, Patharwala (Bk), Taluka Ambad, District Jalna. Then there is a reminder forwarded to the Tahsildar on 19.01.2015 and to the Collector on 02.03.2015. Thereafter, again a representation was submitted in the year 2016. It seems that the petitioners were waiting for action, to be initiated.

Our attention is invited to a policy framed by the State Government, which reflects in the resolution dated 27.02.2018. The Government Resolution dated 27.02.2018 is placed on record at

Exhibit-“K”. Perusal of this Government Resolution shows that the object behind issuance of this Government Resolution is to consider the issue of the approach roads/*Panand rasta*. Then the roads are also divided in two categories. The roads in rural area from one village to another village and then both ways or the cart ways approaching to agricultural field. Then there are modalities of removal of encroachment. The allocation of fund for use of machinery. Clause-5 of the Government Resolution refers to the various committees i.e. State level committee, District level committee, Taluka level committee and village level committee. Village level committee consists of Sarpanch as the President, President of Tanta Mukh Samiti as Member and there is reference of other members also, whereas Taluka level committee consists of Sub-Divisional Officer as President of the committee, Tahsildar, Block Development Officer, T.I.L.R., Deputy Engineer (PWD), Police Inspector and Deputy Engineer (Construction Division), Zilla Parishad, being other members of the committee.

Clause-6 of the Government Resolution specifically refers to the provision of the funds which is stated for necessary purposes. The funds can be utilised from the funds made available through Planning Commission i.e. the local funds of M.P. and M.L.A., special funds, Zilla Parishad Cess fund, self income of the Panchayat Samiti etc.,

3. In the Government Resolution, there are certain benefits also provided for effective implementation of the scheme. These are treated as special incentives of the scheme and the reference of this special incentive is made in Clause-6 of the Government Resolution.

4. Now, considering this wholesome scheme, we are of the opinion that the petitioners now certainly can take appropriate steps by submitting representation to the revenue authorities at Taluka level or to the District head of the administration, apprising these authorities of the Government Resolution dated 27.02.2018 and then making request to the authority for taking steps for effective implementation of the scheme by providing the approach road. The petitioners can also submit the representation either to the Guardian Minister as the Government Resolution in Clause-3 provides certain guidelines under the caption “Palakmantri Shet/Panand Raste Yojna”(“पालकमंत्री शेत/पाणंद रस्ते योजना”).

5. Learned counsel for the petitioners fairly admitted that after filing of the petition, till date, no such steps are taken by the petitioners and the petitioners would take appropriate steps to approach the authorities in view of the Government Resolution dated 27.02.2018.

6. Considering this very fact, we are of the opinion that this Public Interest Litigation can be disposed of with liberty to the petitioners to approach respondent No.4 – District Collector, Jalna, respondent No.9 – Tahsildar, Ambad, by submitting their representations. The petitioners are also at liberty to submit an independent representation to the Hon'ble Guardian Minister of Jalna District, so as to invite his attention and apprise him about effective implementation of the Government Resolution dated 27.02.2018. The petitioners may submit representations within four weeks from today. In case, there is no positive response, the petitioners are at liberty to approach again this Court.

7. With the above referred observations and directions the Public Interest Litigation is disposed of.

[R. G. AVACHAT, J.]

[PRASANNA B. VARALE, J.]

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