IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1002 PUBLIC INTEREST LITIGATION NO.11 OF 2020

MADHAV AMBADASRAO NIRMAL
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS
...
Advocate for Petitioner: Mr. Thombre Bhagwan V.
AGP for Respondents/State: Mr. S. K. Tambe
Advocate for Respondent No. 7: Mr. R. S. Deshmukh
i/b. Mr. Devang Deshmukh
Advocate for Respondent No. 8: Mr. V. P. Latange
...

CORAM: S. V. GANGAPURWALA &
R. N. LADDHA, JJ.

DATE: 07th OCTOBER, 2021

PER COURT:

1. Mr. Thombre, learned Advocate for the petitioner submits that present petition is filed in the public interest only to safeguard the public exchequer. According to the learned Advocate, the work order is issued for constructions of the road. The water pipeline has to be errected. Unless work of water pipeline is completed the construction of road is not viable. The learned Advocate submits that if the roads are constructed now then for water pipeline the roads will have to be dug. It will cause loss to the

public exchequer. The learned Advocate submits that there are no spaces left at the side of the roads so as to errect the water pipeline for the purpose of supplying water to the residents of the town.

2. The affidavit is filed by respondent no. 7 Chief Officer of the Municipal Council. The said affidavit is also relied by the President of the Municipal Council. The State has also filed the affidavit to the effect that the authorities are following the Government Resolutions.

3. The affidavit filed by the Chief Officer of the Municipal Council clearly states that Resolution bearing no. 4 passed by respondents no. 7 and 8 on 15.03.2017 states that a good quality and standard works are to be done under the reformation scheme to be implemented in the localities other than Dalit localities. The said works will have to be completed after completion of water supply distribution work. Prior to that, a Development Plan shall be proposed with layout

map by obtaining technical administrative sanction to the same. It is decided to complete the work of water supply in Kille Dharur town first before commencement of other development works. It is further stated in the affidavit that e-tender No. 5 is floated for 18 works for Rasta Anudan Yojana and one work of Green Belt under Vaishtyapurna Scheme and not a single work has been started under the above said scheme and no work order is issued. No pipeline work will be affected due to work of Green Belt in Vaishishtyapurna Scheme. All the works in Rasta Anudan Yojana are in respect of the WBM road (*Khadakarn*) and it's strengthening and due to which no pipeline will be affected. It is further averred that necessary instructions of starting works after completion of pipeline will be given at the time of issuance of work orders. The road construction as per e-tender no. 2 dated 25.10.2018 is complete. While completing the construction of road no water supply to the town is affected. The said road is of 15 Meters and

side berm are installed to the road side. No pipeline would be affected in future.

4. On oath the statement has been made by the Chief Officer. The Chief Officer is a responsible officer who knows the consequences of making a statement on affidavit and if the the same is found to be incorrect and / or false. We are not going into the allegations made by the Chief Officer against the petitioner or *vice-versa*.

5. In view of the above, now it would not be appropriate to entertain the Public Interest Litigation.

6. In the light of above, the Public Interest Litigation is disposed of.

7. Mr. Thombre, learned Advocate for the petitioner seeks refund of the amount of Rs. 1,00,000/-. The learned Advocate for the petitioner, on instructions, graciously submits that Rs.25,000/- be donated to Government Covid

Centre and another Rs.25,000/- be remitted to the Aurangabad High Court Bar Association.

8. In the light of above, the Registry shall remit an amount of Rs.25,000/- (Rs. Twenty Five Thousand only) to the Government Covid Centre and another Rs.25,000/- (Rs. Twenty Five Thousand only) to the Aurangabad High Court Bar Association. Remaining 50,000/- (Rs. Fifty Thousand only) is allowed to be withdrawn by the petitioner.

[R. N. LADDHA, J.] **[S. V. GANGAPURWALA, J.]**

marathe