

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

**CIVIL APPLICATION NO. 3053 OF 2021
IN
P. I. L. PETITION NO. 97 OF 2014**

Udgir Municipal Council Udgir
Through its Executive Officer .. Applicant

Versus

Shaikh Sameeroddin Azimoddin
and others .. Respondents

Shri Parag V. Barde, Advocate for the Applicant.
Shri R. R. Karpe, Advocate h/f Shri M. S. Deshmukh, Advocate
for the Respondent No. 1.
Shri A. R. Kale, A.G.P. for Respondent Nos. 2 to 5.

**CORAM : S. V. GANGAPURWALA AND
R. G. AVACHAT, JJ.
DATE : 12TH MARCH, 2021.**

FINAL ORDER :

. Mr. Barde, the learned advocate for the applicant submits that, the applicant seeks permission to lay underground pipeline from Sy. No. 1 under the Amrut Abhiyan for water supply scheme for Udgir city.

2. The learned counsel submits that, the project is required to be completed on or before 31.03.2021. Because of laying of underground pipeline, no harm would be caused to the proposed play ground. The applicant/municipal council is not granting development permission to any of the parties on the disputed

writ site. The laying of underground pipeline for water supply is necessary.

3. Mr. Karpe, the learned advocate for the original petitioner submits that, the application of the municipal council is not bonafide. It is politically motivated. The underground pipeline is sought to be laid only to supply water to the encroachers and illegal occupants of land Sy. No. 1. The public interest litigation is filed to safeguard the play ground and restrain the municipal council from taking up any developmental activity in the said survey No. 1 that is reserved for play ground. The learned counsel further submits that, the municipal council has permitted encroachers to occupy and make illegal construction. Under the garb of present civil application, the Municipal Council now wants to supply water to these illegal encroachers.

4. Mr. Barde, the learned advocate for the municipal council on instructions makes a solemn statement that, the municipal council would not supply water and give tap connections to the illegal encroachers and the persons who have carried out illegal construction, from the said underground pipeline sought to be laid from Sy. No. 01.

5. The said statement is accepted as an undertaking to this Court.

6. The purpose of laying down underground pipeline would facilitate distribution of potable water in the city. As statement

is already made that the water connections and/or Tap connections would not be given to the illegal encroachers and the persons who have carried illegal construction, there would be no impediment to allow the applicant to proceed ahead with laying down underground pipeline as sought in the application. The same would also not be detrimental for the use of the play ground.

7. In the light of the above, the civil application is disposed of. No costs.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

bsb/March 21