

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CONT. PETITION NO.282 OF 2020
IN PIL/153/2016

NARSINH LAXMANRAO JADHAV

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. N. L. Jadhav, party-in-person.

Mr. S. P. Tiwari, AGP for Respondents-State.

Mr. S. S. Tope, Advocate for Respondent Nos.2 and 4.

...

CORAM : RAVINDRA V. GHUGE

AND

ARUN R. PEDNEKER, JJ.

DATED : 30th AUGUST, 2022.

PER COURT:-

1. This matter was heard extensively.
2. The learned Advocate representing the Aurangabad Municipal Corporation has filed an affidavit with several colour photographs and further details as regards the approach road that has been constructed in pursuance to the order of this Court dated 08.07.2019 passed in Public Interest Litigation No.153/2016.
3. The petitioner in person has also placed on record certain colour photographs which indicate that Water Bound Macadam (WBM), which is commonly

known as a Compacted Khadi Rasta, has been laid as an approach road for a distance of 325 meters with a width of 3.5 to 4 meters. An amount of Rs.19,82,348/- has been spent on such work.

4. Having considered the controversy as to whether this road should have been a Tar road, we have perused the order passed by us. We find that our order indicates that an approach road would be constructed by the AMC. We would understand the said words as being a tar road/asphalt road being laid. At the same time, we cannot ignore that a distance of 325 meters with a width of 3.5 to 4 meters asphalt road, is not possible in the budget of Rs.19,82,348/-. What has been recorded in our order is that 1/3rd of the amount of Rs.65,92,817/- would be sufficient for laying such an approach road.

5. The learned Advocate for the AMC has taken instructions and submits that under the Aurangabad Municipal Corporation Project an amount of Rs.207.86 crores have been sanctioned for laying concrete roads. The approach road at issue in this

proceeding is one such road which is included in this project and an amount of Rs.86,99,673/- has been earmarked for concretisation of the said road. This would take around 12 months time since the Government has to sanction the amount of Rs.207.86 crores and thereafter, the approach road at issue would be converted into a concrete road. These statements are made on instructions from Mr. Bhagwat Phad, Executive Engineer of AMC.

6. As such, the issue is as to whether a asphalt road prepared now, would be a wasteful expenditure if it has to be dug up after 6 months or 12 months for laying a concrete road. The petitioner in person Shri. Jadhav submits that instead of spending money on laying an asphalt road now and then dig it up to make way for a concrete road, the residents in that area would suffer further hardships to facilitate a concrete road as per the statement made by the learned Advocate on behalf of AMC.

7. We appreciate the stand taken by Shri. Jadhav as well as the statement made on behalf of

AMC. In these circumstances, this Contempt Petition is disposed off with the expectation that AMC would give a reasonable priority to the road at issue and would endeavour to lay a concrete road around Diwali 2023.

(ARUN R. PEDNEKER)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

Devendra/August-2022