

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9596 OF 2021

Grampanchayat, Alsand through its Sarpanch ...Petitioner

Versus

The Dy. Engineer PWD, Vita and Ors ...Respondents

- Mr. Vinod Sangvikar, i/by Mr. Yotgesh Morbale a/w Swapnil Telang i/by Mr. Umesh R. Mankapure for the Petitioner.
- Ms. K.N. Solunke, AGP, for the Respondent – State.

CORAM : PRASANNA B. VARALE &
SHRIKANT D. KULKARNI, JJ.

DATE : JUNE 28, 2022.

P. C. :

1. At the outset, learned Counsel appearing for the Petitioner orally prayed for amendment to the Petition by adding Deputy Secretary (Roads), Public Works Department, Mantralaya, Mumbai as party Respondent on the backdrop of representation submitted to the Deputy Secretary which is placed on record.

2. Oral prayer for amendment is allowed. Amendment to be carried out forthwith.

3. Learned Counsel appearing for the Petitioner submitted that though the principal prayer in the Petition is couched for issuance of writ of *mandamus*, the grievance raised in the Petition is of non-action of the Authorities and pendency of the representation before the Office of the State of Maharashtra.

4. The Petitioner is Grampanchayat of village Alsand. Learned Counsel appearing for the Petitioner invited our attention to the documents placed on record namely, Government Resolution dated 05th February, 2018. copy of the same is placed on record at Exhibit A, page 9 of the Petition. The State Government in its discretion decided to grant an administrative approval for the strengthening and annual maintenance work of road in Tq. Khanapur, Dt. Sangli namely, Kamlapur, Alsand, Karve, Mangalur, Bamni, Hatnoli. It seems that the stretch of the road is of 80 kms and an estimated cost is Rs. 3,40,00,000/- including the work of strengthening & taring of the road, concrete gutters, wall and laying down three new pipes and for this estimated cost administrative approval was granted subject to certain conditions.

5. Documents placed on record further show that the budgetary provisions was made by the State Government for the said work. Though, the tender notice was also issued initially on 19.09.2018, the same is published in news papers in Marathi as well as in Hindi languages. Copies of these news paper cuttings are placed on record at Exhibit 'd', page 14-15 collectively. It seems that a revised e-tender notice was again published in the news paper on 19.09.2018. The Petitioner – Grampanchayat submitted representation initially to the Sub-Divisional Officer, Public Works Department, Sub-Division, Vita. In response to the representation, the Sub-Divisional Officer informed that necessary steps are being taken and proposals are submitted to the State Government. A representation was also submitted to the

then Hon'ble Minister holding the Revenue portfolio on 11.07.2018. Certain representations were submitted to the Member of Parliament representing the said constituency namely, Sangli prior to the administrative approval and issuance of tender notice. The grievance is, in spite of this preliminary actions, there is no further progress in the work.

6. It is submitted in the representation to the Deputy Secretary dated 12th July, 2018 that the said road namely, Kamlapur, Alsand, Karve, Mangalur, Bamni, Hatnoli is a primary means of conveyance and transportation for the residents of the area. It is submitted to the Deputy Secretary that as there was no proper maintenance for considerable period and due to heavy traffic on the road, the road was in bad condition and the residents were subject to great inconvenience. It is submitted in the Petition that due to non-availability of this direct road, the residents are constrained to travel through an alternate road via Vita for which the residents have to travel for nearly 22 kms.

7. Considering these facts, it can safely be said that the expectation of the Petitioner – Grampanchayat and in turn the residents of the village Alsand, Tq. Khanapur, Dist. Sangli of a speedy work of the proposed road is justified. Accordingly, the Respondent – Authorities of the State namely, Respondent Nos. 1 to 3 and added Respondent are directed to look into the matter and take appropriate steps to speed up the work of strengthening of the road and annual maintenance of the road namely, Kamlapur, Alsand, Karve, Mangalur, Bamni, Hatnoli, if the

proposed work is not completed till date.

8. With these directions, Writ Petition is disposed of.

9. All concerned shall act upon a copy of this order which is duly authenticated by the Registry of this Court.

(SHRIKANT D. KULKARNI, J.)

(PRASANNA B. VARALE, J.)