

Urmila Ingale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 83 OF 2021

Rajendra Kisan Landge .. Petitioner
Vs.
The State of Maharashtra and ors. .. Respondents

**WITH
INTERIM APPLICATION STAMP NO. 1011 OF 2022
IN
PUBLIC INTEREST LITIGATION NO. 83 OF 2021**

Laxman Shivram Ganvat and ors. .. Applicants

In the matter between

Shri Rajendra Kisan Landge .. Petitioner
Vs.
The State of Maharashtra and ors. .. Respondents

**WITH
INTERIM APPLICATION NO. 3903 OF 2021
IN
PUBLIC INTEREST LITIGATION NO. 83 OF 2021**

Murlidhar Maruti Jawak and ors. .. Applicants

In the matter between

Shri Rajendra Kisan Landge .. Petitioner
Vs.
The State of Maharashtra and ors. .. Respondents

Mr. Siddhartha R. Ronghe, for Petitioner.

Mr. P. P. Kakade, GP a/w Mrs. R. A. Salunkhe, AGP
for Respondent No. 1- State.

Mr. Atul Damale, Senior Advocate a/w Mr. Deepak
R. More and Mr. Shivram Gavade, for Respondents
No. 2 to 7.

Mr. Prathamesh B. Bhargude a/w Mr. Sumit Sonare,
for Applicants in IAST/1011/2022.

Mr. Vikas B. Shivarkar a/w Mr. J.D.Khairnar, for
Applicants in IA/3903/2021.

**CORAM: DIPANKAR DATTA, CJ &
V. G. BISHT, J.**

DATE: MAY 5, 2022

P.C.:

1. Pimpri-Chinchwad Municipal Corporation (hereafter "the Corporation", for short) passed a resolution to construct an overhead water reservoir (hereafter "the reservoir", for short) on plot no. 4. Soil was tested and upon the requisite report being obtained that plot no. 4 was suitable for construction of a reservoir, the Corporation issued a tender. The respondent no. 8 was successful in the tender process which led to issuance of work order in its favour. While the respondent no. 8 started excavation of land, certain people of the locality who were not satisfied with selection of plot no. 4 started opposing and demanded that the reservoir be constructed on plot no. 3 which, we are informed, is roughly 200 mtrs. away from plot no. 4. As a result of such demand raised for construction of the reservoir on plot no. 3, the work at plot no. 4 stopped. It is at this stage that the petitioner instituted this PIL petition seeking direction to the Corporation to go ahead with construction of the reservoir on plot no. 4.

2. There are two intervention applications by two groups of local people: one, supporting the construction of the reservoir on plot no. 3 and the other one opposing the same.

3. It is not the function of the Court to decide on which

plot, the reservoir is to be constructed. The Corporation has to decide on the plot which is adequate and suitable from the engineering point of view.

4. We direct the Corporation to immediately decide on the question of identification of a suitable plot between plot nos. 3 and 4 for construction of the reservoir and, thereafter, all formalities be complied with including beginning of construction so that within two years of issuance of the work order, construction of the reservoir is complete and people are supplied with adequate quantity of water.

5. We express no opinion on the merits of the rival claims of the parties and leave it to the Corporation to decide the plot on which reservoir is to be constructed based on technical reports and not by what the rival groups say.

6. The PIL petition stands disposed of. No costs.

7. In view of disposal of the PIL petition, pending applications do not survive and, accordingly, stand disposed of. No costs.

SALUNKE
J V

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by SALUNKE J V
Date: 2022.05.06
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(V. G. BISHT, J.)

(CHIEF JUSTICE)