

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

PUBLIC INTEREST LITIGATION NO. 82 OF 2024

Umarkhan Nabikhan Beria

... Petitioner

Versus

State of Maharashtra & Ors.

... Respondents

.....
Mr. Mr. Amogh Karandikar (through VC) a/w Mr. S.C. Mongle for the
Petitioner.

Mr. R.S. Alange for the Respondent Nos. 2 and 3.

Mr. V.M. Mali, AGP for the Respondent - State.

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**Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.**

Date : November 20, 2025.

P. C. :

1. Heard learned counsel for the petitioner.
2. The petitioner is a social worker and also practicing Advocate of the Bar Council of Maharashtra and Goa. The petitioner has prayed for following reliefs :-

"a) This Hon'ble Court be pleased to issue writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus under Article 226 of the Constitution of India directing the Respondents to place on record all the details in respect of providing water connections, details of water supply made by them, levy of water taxes and installation of water meters since 2017;

b) This Hon'ble Court be pleased to appoint an Expert Committee to go into the entire issue of water supply and water connections provided under Amrut Yojana and submit a report to this Hon'ble Court for further action and passing appropriate order;

c) This Hon'ble Court be pleased to issue writ of certiorari or any other appropriate writ, order or direction in the nature of certiorari under Article 226 of the Constitution of India thereby set aside the water bills issued to 54119 assesses/ residents of Solapur City to the tune of Rs.14,91,51,964/- as mentioned in the letter dated 20th February 2024 (Exhibit hereto);

d) This Hon'ble Court be pleased to issue writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus under Article 226 of the Constitution of India directing the Respondents to implement the resolution granting rebate of 50% in water tax amount to the assesses/residents of Solapur City;

e) This Hon'ble Court be pleased to direct the Respondents to take such measures, steps and actions in order to increase the availability of water sources and water supply to the Solapur City and further direct to implement the Amrut Yojana in its true and proper spirit with directions to submit report of its implementation to this Hon'ble Court;

f) Pending the hearing and final disposal of the present PIL this Hon'ble Court be pleased to stay the Respondent Nos.2 and 3 from collecting water taxes from 54119 assesses/ residents of Solapur City to the tune of Rs.14,91,51,964/- as mentioned in the letter dated 20th February 2024 (Exhibit hereto);

g) ad-interim reliefs in terms of prayer clause (f) above;"

3. It is the contention of the petitioner that the present PIL is filed in the interest of residents of Solapur City, who are deprived of regular and smooth water supply despite availability of adequate water with

respondent No.2 – Corporation. By the present PIL, the petitioner seeks to bring on record illegal assessment and levy of water tax on the part of residents of Solapur City without providing regular and smooth water supply under Amruj Yojana introduced by respondent no.2.

4. Our attention is invited by the learned counsel for the petitioner to the information that has been obtained under the Right to Information Act, 2005. It is submitted that most of the water tax is being collected on the basis of oral directions of the Commissioner of the respondent No.2 – Corporation.

5. Learned counsel for the Corporation submitted that representation has been made by the petitioner to various authorities, which is at page No. 30, and also representation has been made by the petitioner on 7th August 2025 to the Commissioner of the Solapur Municipal Corporation, Solapur. In the said representation, the details have been set out regarding problems faced by the citizens as a result of inequitable distribution of water and inadequate water supply apart from the other grievances mentioned therein.

6. Learned counsel for the Corporation submits that the Commissioner of Solapur Municipal Corporation will hear the petitioner and take all steps for redressal of genuine grievances.

7. In such view of the matter, we find that there are several factual disputes involved and also having regard to the objection of the learned counsel for the Corporation that the remedy of the petitioner is to approach the authorities under the provisions of Chapter VIII, Taxation Rule 16 and also Section 406 of the Maharashtra Municipal Corporation Act, 1949, we find it appropriate that the Commissioner duly hear the petitioner and take suitable action. It is open for the petitioner to make a comprehensive representation setting out all the details listed in the petition, within a period of 4 weeks from today.

8. The Commissioner of the Solapur Municipal Corporation / Deputy Commissioner authorized by the Commissioner shall then issue a notice to the petitioner calling him for hearing. After hearing the petitioner, the Commissioner of the Solapur Municipal Corporation to take an appropriate decision on the basis of representation so made, in accordance with law.

9. The PIL is disposed of.

[Ajit B. Kadethankar, J.]

[M. S. Karnik]