

Nikita

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.187 OF 2015

Balasaheb Gunda Ligade ... Petitioner
V/s.
The State of Maharashtra and Ors. ... Respondents

Mr. Rugwed R. Kinkar a/w Mr. Balasaheb Ligade a/w
Mr. Rajvardha S. Chougule i/b Mr. Drupad Patil for the
Petitioner.

Ms. T. J. Kapre, AGP for the State.

CORAM : M. S. KARNIK &
AJIT B. KADETHANKAR, JJ.

DATED : 6th NOVEMBER, 2025

ORAL ORDER (PER M. S. KARNIK, J.):

1. Heard learned Counsel for the petitioner and learned AGP for the State.
2. This public interest litigation was filed as far as back the year 2015 for the following reliefs:

"i. That this Hon'ble Court may be pleased to issue the Writ of Mandamus and/or any other Writ, Order or Direction in the nature of the Writ of Mandamus directing Respondent No. 1 to order the restoration of the structures in the Swantantrapur Open Colony, Atpadi.

ii. That this Hon'ble Court may be pleased to issue the Writ of

Mandamus and/or any other Writ, Order or Direction in the nature of the Writ of Mandamus directing Respondent No. 1 to provide for the necessary Medical facilities, particularly an ambulance for the inmates and their families.

iii. That this Hon'ble Court may be pleased to issue the Writ of Mandamus and/or any other Writ, Order or Direction in the nature of the Writ of Mandamus directing Respondent No. 1 to provide ration at a subsidized rate for the inmates inmates."

3. So far as the main relief in terms of prayer clause 10(i) is concerned, during the pendency of the petition, the same is worked out. We have perused the affidavit-in-reply filed on behalf of the Respondent Nos.1 and 2, dated 21st September, 2016. The said affidavit lists various facilities which have been made available to the inmates in the different open colonies. In the affidavit it is stated that though the inmates are issued with ration card but are not provided with subsidized rate, although proposal has been sent to the government for consideration. The copy of the communication is dated 16th October, 2015.

4. Learned AGP submits that though such proposal has been submitted, decision has not been taken on the said communication. It is therefore necessary for the State Government to take appropriate decision on the letter dated 16th October, 2015 which is mentioned in paragraph No.9 of the public interest litigation as expeditiously as possible and preferably within a period of 16 weeks from today.

5. So far as the medical facilities to the inmates are concerned, it is submitted in paragraph No.7 and 8 as under:

"7. With reference to Para 4(c), I say and submit that Swatantrapur Open Colony is provided with all facilities by Government which includes, 28 rooms for purpose of residing,

medical aid, the inmates are given Rs. 70/- per day as daily wages, apart from that they are provided with newspaper, Library facility, colour Television, even medical camps are organized for inmates, visitors can visit Open Colony. Free water, electricity is provided, 2 gunthas (2000 sq.ft) of land for agriculture purpose. Present inmates residing at Atpadi is 4 as against the authorized strength of 27 inmates and 9 employees of Prison Department which includes (1 Jailor Gr-1, 2 Havildars and 6 Constables) are deputed to look after the security of Open Colony.

8. *With reference to Para 4(d), I say and submit that contents in this Para are denied. It is submitted that inmates are provided with adequate medical and health care facilities. In case of medical need inmates are sent to Rural Hospital, Atpadi, Dist. Sangli, and in case of any critical condition of inmates, with the help of police escort such inmates are admitted to District Hospital, Sangli. Letters are sent to District Collector. Hereto annexed and marked as Exhibit-8 colly, are the copies of letters dated 03.08.2015, 07.08.2015 and 18.09.2015.*

It is further stated that regular camps are conducted for inmates which, includes Blood, Eye and HIV status checkup etc. and even medical camp was conducted on 07.05.2016. Hereto annexed and marked as Exhibit-9 is a copy of letter dated 30.04.2016 for conducting camp.”

6. It is the grievance of the petitioner that for sending the inmates to the rural hospital in case of any critical condition of the inmates, there are no adequate transport facilities provided. In paragraph No.8, it has been clearly mentioned that in case of medical need, inmates are sent to Rural Hospital Atpadi, District Sangli and in case of any critical condition of inmates, with the help of police escort, such inmates are admitted to the District Hospital Sangli.

7. Learned AGP submitted that there are adequate transport facilities available ensuring that the inmates are immediately provided the transport facilities for being admitted to the Rural Hospital Atpadi. Recording this assurance of the learned AGP, which in any case, the authorities of the open prison are bound to

provide, the petition is disposed of.

8. In case the petitioner still has grievance regarding the compliance of the directions issued, liberty to apply.

(AJIT B. KADETHANKAR, J.)

(M.S. KARNIK, J.)