



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

PUBLIC INTEREST LITIGATION NO. 21 OF 2024

Ashok Anandrao Kourase and Ors.

Vs.

State of Maharashtra and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms. Shilpa Giratkar, Advocate for petitioners.

Mr. N.S. Rao, AGP for respondent/State.

Mr. S.P. Dharamadhikari, Senior Advocate a/by Ms. Radhika
Bajaj, Advocate for respondent No.17.

CORAM : ANIL S. KILOR AND

MRS. VRUSHALI V. JOSHI, JJ.

DATE : 24.07.2025.

Heard.

2. The petitioners in this petition are the agriculturists and aggrieved by the laying down of pipelines by respondent No.17 beneath 'Shiv-Dhura' from village Wadha to village Tadali, Tahsil and District – Chandrapur.

3. According to the petitioners, the permission to lay down the pipeline was granted, subject to certain conditions, one of such conditions was to install the pipelines beneath two meters of 'Shiv-Dhura', however, it is the grievance of the petitioners that since such

conditions were not strictly complied with, due to heavy leakages from the said pipelines they suffered huge losses. It is submitted that they have been suffering these losses from the year 2011.

4. Considering the seriousness of the grievance raised by the petitioners, the petition was treated as Public Interest Litigation. Considering the affidavits and the stands taken by both the parties, this Court time to time passed various orders. The affidavits of the Collector and the Tahsildar highlighted the non-compliance of the conditions of grant of permission for lying down pipelines by the respondent No.17.

5. In the Order dated 12.03.2025, this Court after considering the affidavits of the Collector, Chandrapur and Tahsildar has observed that the respondent No.17 has not conducted it as per the terms and powers granting permission to draw the executive order dated 16.06.2011 and instead of attending defaults, the respondent No.17-Company has proceeded to claim that what has been stated by the Collector and Tahsildar is not correct on the factual position. This Court further observes that *prima facie*, it could be inferred from the record that respondent No.17 is not conducting himself in the matter of the implementation of the order of the Collector dated 16.06.2011. Thereupon, respondent No.17 was directed to deposit

Rs.50,00,000/- in this Court within a period of two weeks to show bonafides.

6. In the mean time, grievance of the petitioners and other villages was heard by the Collector and passed the order dated 18.03.2025, whereby, certain directions were issued against the respondent No.17 - Company.

7. After going through these directions, which are seven in numbers, the grievances raised in the present petition can be said to be resolved.

8. There is a condition to conduct periodical inspection and redressed the grievances of the agriculturist. Further, the time period is fixed for laying down the pipeline as per the conditions in the original order permitting to lay down such pipeline i.e. two meter beneath the 'Shiv-Dhura'.

9. On a specific query put to the learned counsel for the petitioner, whether these directions would satisfy the grievances of the petitioners and other agriculturists, the learned counsel appearing for the petitioners fairly states that except the grievance about the damages towards the losses caused to the petitioners and other agriculturists it would satisfy the grievance of the petitioners raised in the present petition. She has further pointed out that the petitioners have claimed the damages @ Rs.4,444/- per sq. meter and their

applications are pending and no assessment is made by the Collector.

10. Further Shri.S.P Dharmadhikari, learned Senior Advocate, on instructions, made a categorical statement that the respondent No.3 would comply all the directions issued by the Collector vide order dated 18.03.2025 in its letter and spirit. He further submits that whatever amount the Collector would decide of the damages, if any, caused to the petitioner, the respondent No.17-Company is ready to pay the same. He submits that to show bonafides, the Company has already deposited Rs.50,00,000/- in this Court, which is lying in this Court.

11. In the light of the above referred observations, we are of the opinion that as nothing survives in this Public Interest Litigation, in view of the order of the Collector, dated 18.03.2025 and as the respondent No.17 has undertaken to comply with all the directions and take action as per the time period framed by the Collector, we dispose of the present Public Interest Litigation in the above referred terms.

12. The amount deposited by the respondent No.17, which is lying in this Court, shall not be released till the decision of the Collector. The amount shall be deposited in the Fixed Deposit in any Nationalized Bank for a initial period of three months.

13. If the Collector decides the application and grant damages to the petitioners, such amount shall be paid to the petitioners out of the amount deposited by the respondent No.17 and after deducting such amount, if any amount remains, the same shall be permitted to be withdrawn by the respondent No.17.

14. For claiming the damages, the petitioners may file fresh application giving all the necessary details of damages in support of their claims. After filling of such applications, the Collector shall decide the same within a period of ten weeks from today and make necessary assessment and survey.

15. Further, as the Collector has directed the respondent No.17 to lay down pipeline two meter beneath 'Shiv-Dhura', in compliance of such order, if respondent No.17 finds any difficulty to locate 'Shiv-Dhura', the Collector shall co-operate the respondent No.17 to locate 'Shiv-Dhura'.

(Vrushali V. Joshi, J.)

(Anil S. Kilor, J.)