

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

PUBLIC INTEREST LITIGATION NO. 22 OF 2025

Ramdas S/o. Waman Wagh,
Age : 70 years, Occu. Agriculture,
R/o. Andhari, Tq. Sillod,
Dist. Chha. Sambhaji Nagar.

...Petitioner

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Revenue & Forestry Department Minister,
Mantralaya, Mumbai.
2. District Collector, Chha. Sambhaji Nagar,
3. CEO, Zilha Parishad, Chha. Sambhaji Nagar
4. Tahsildar, Sillod, Tq. Sillod,
Dist. Chha. Sambhaji Nagar.
5. Gramsevak, Grampanchayat Andhari,
Tq. Sillod, Dist. Chha. Sambhaji Nagar.
6. Sarpanch,
Grampanchayat Andhari,
Tq. Sillod, Dist. Chha. Sambhaji Nagar.
7. Chairman,
Maharashtra Pollution Control Board,
Sion (E), Mumbai.

...Respondents

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Mr. N. S. Shah – Advocate h/f Mr. Sunil P. Koli – Advocate for the
Petitioner
Miss Neha B. Kamble – AGP for the State
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**CORAM : SMT. VIBHA KANKANWADI
AND
HITEN S. VENEGAVKAR, JJ.**

DATED : 03RD FEBRUARY, 2026

ORDER [Per Smt. Vibha Kankanwadi] : -

1. The present Petition has been filed for the following reliefs:-

- “B. By issuing appropriate writ, order or directions in the like nature, the respondent authority may kindly be directed to remove the encroachment as per GR dated 21/04/2008, 08/09/2008, 10/10/2013 and order of PIL 12/2019 dated 11/03/2020 at the river bed Andhari and implement the above order no any encroachment and pollution at the river bed in future.*
- C. By issuing appropriate writ, order or directions in the like nature, the Respondent Nos. 4 to 6 may kindly be directed to remove structure erected at the river bed Andhari and direction given to the respondent authority not to cause any obstruction to the natural flow of the river Andhari and not to dump garbage in the river bed.”*

2. The learned Advocate for the Petitioner submits that the Petitioner, a 70 year old agriculturist and resident of Village Andhari, Taluka Sillod, District Chhatrapati Sambhajinagar, owns agricultural land in Gut No. 514 in the said village. He has every right to take care of the water course of river bed of river Andhari.

3. Public Interest Litigation No. 12 of 2019 was filed before this Court, wherein certain orders were passed by order dated 11.03.2020 and thereafter, by order dated 16.09.2020, the said PIL was disposed of due to the unfortunate demise of the Petitioner therein. In the said PIL, the same issue was raised with respect to the unauthorized construction near the riverbed. In fact, the respondent authorities are duty bound to prevent encroachment and to keep the river free from pollution. In spite of the Government Resolution dated 10.10.2013, and

also in view of the decision of the Hon'ble Supreme Court in *Jagpal Singh and Others vs. State of Punjab and Others*, (2011) 11 SCC 396, as the authorities have not taken any action, the Petitioner had no option but to knock on the doors of this Hon'ble Court.

4. The learned Advocate for the Petitioner relies upon the applications that he had submitted before the various local bodies for the removal of encroachments, as well as the photographs.

5. We have perused all the documents. No doubt, certain orders came to be passed on 11.03.2020 in PIL No. 12 of 2019 [*Vinod Baburao Tayde v. State of Maharashtra and Others*]. However, except for the *prima facie* observation made on the basis of submissions before the Court that the construction was erected in the riverbed, no other order regarding demolition has been passed.

6. No doubt, directions were given to the Divisional Commissioner, Aurangabad, as well as to the Collector, Aurangabad, to file affidavits stating what course of action they had initiated for the demolition of those constructions erected in the riverbed. The present Petitioner has not filed any other document showing that action was actually taken and that those encroachers were asked to remove the encroachments, and that accordingly, the demolition exercise was carried out.

7. In the order dated 16.09.2020, this Court, in the said PIL, has taken note of the statement made on behalf of Respondent No. 7 therein that the demolition work was carried out in furtherance of the order passed by this Court in the said PIL on 11.03.2020. We are now unable to gather to what extent the demolition work was carried out.

8. Interestingly, the present Petitioner has come forward with a case that, after the said demolition, there has again been activity involving the unauthorized construction or erection of a building or structure within the riverbed. It is to be noted here that the persons who have allegedly carried out such illegal construction have not been made parties to the proceedings. In the pleadings, there is absolutely no detail as to who carried out how much construction and since when.

9. The photographs will not show the extent of construction when it was made. The photographs only show the existence of constructions, but whether it is in the riverbed cannot be gathered and, therefore, with this evidence or documents, we do not find that this Petition can be entertained as a PIL and, therefore, it stands dismissed.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE