

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

PUBLIC INTEREST LITIGATION NO. 133 OF 2007

Dr. Rajendra Sadanand Burma and Anr. ... Petitioners

Versus

The State of Maharashtra and Ors. ... Respondents

**ALONGWITH
CIVIL APPLICATION (ST) NO. 35428 OF 2013**

**ALONGWITH
CIVIL APPLICATION NO. 57 OF 2018**

**ALONGWITH
CIVIL APPLICATION NO. 87 OF 2009**

**ALONGWITH
CIVIL APPLICATION NO. 56 OF 2018**

**ALONGWITH
CIVIL APPLICATION NO. 175 OF 2014**

**ALONGWITH
CIVIL APPLICATION NO. 59 OF 2008**

**IN
PUBLIC INTEREST LITIGATION NO. 133 OF 2007**

Mr. Jugalkishore Gilda, Senior Advocate a/w Mr. Ajinkya Jaibhave for the Petitioners in PIL No. 133 of 2007.

Mr. Sumit Kale a/w Mr. Utkarsh Pondkule i/b Mr. Uday Warunjikar for the Petitioner in WP No.3589 of 2011.

Mr. Bandu Sane for the Applicant in CAI No. 87 of 2009 (Through V.C.).

Mr. B.V. Samant, AGP a/w Ms. Pooja Joshi-Deshpande, Ms. G.R. Raghuwanshi and Mr. S.P. Kamble, AGPs for the State.

Mr. Y.R. Mishra a/w Mr. D.A. Dube, Mr. N.R. Prajapati, Mr. Upendra Lokegaonkar and Mr. Sachidanand Singh for the Respondent.

Dr. Ashish Satav (Through V.C.) present.

Ms. Purnima Upadhyay (Through V.C.), the Petitioner in person in WP No. 3561 of 2013.

Dr. Ashish Yerekar, District Collector, Amravati (Through V.C.).

Mr. Satyam Gandhi, CEO, Amravati (Through V.C.).

Dr. K.B. Waghmare, Assistant Director, Tribal Health Cell, Mumbai present.

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Dr. Vinod Pawar, Civil Surgeon, Amravati present.
Adv. Ms. Priyanka Kamble, Under Secretary, Legal, Public Health
Department present.
Mr. Pramod Salvi, Legal Consultant present.
Mr. Arvind RamRama, Assistant Commissioner, WCD present.

**CORAM : RAVINDRA V. GHUGE AND
HITEN S. VENEGAVKAR, JJ.**

DATE : 15th APRIL, 2026

P.C. :

1. The Learned Addl. G.P. has tendered three reports before us
as under :-

(a) Present status of compliance of order dated 26th March,
2026 (38 Pages) – marked as “X-4” for identification.

(b) Status report of the proposed District Hospitals at Dharni,
Chikhaldhara and Churni in Melghat Region (44 Pages) – marked
as “X-5” for identification.

(c) Current status report on maternal and child health indicators
in Melghat Region (16 Pages) – marked as “X-6” for identification.

2. The Learned Senior Advocate Shri. Gilda submits that he
has received X-4 earlier and X-5 and X-6 today, on his cell phone
through Whatsapp. He prays for time to read the said reports and respond
on the next date.

3. Pursuant to the earlier order of this Court dated 26th March, 2026, we are informed that the electricity payment required to be made, was paid by the State Government and the electricity supply for pumping water is now to be continued uninterrupted, until further orders. On this count, we expect that the supply of electricity should be uninterrupted keeping in view that severe summer has set in on the Vidarbha Region and Shri. Gilda informs us that the temperatures in Amravati had risen to 43 degrees. We are aware that in the Vidarbha Region temperatures in summer, especially in the month of June, rise upto 47 to 48°C.

4. In so far as the issue regarding the daily wagers who were deployed through MGNREGA Scheme, the learned Addl. GP Shri. Samant informs us that the State Government was providing for 300 plus days of work, each year. Six days a week is the ratio. The Central Government now reimburses the payment being made towards 100 days in a year and the State foots the bills for payment of the remaining 200 plus days. Each daily wager is paid Rs.312/- per day.

5. Ms. Purnima Upadhyay, the Petitioner in person points out that the Central Government scheme does not envisage allotment of

daily wage work in the monsoon season. Melghat Region is a forest area and monsoon activities cannot be halted. Shri. Samant submits that Maharashtra Government does not halt daily wage activities under such schemes during the monsoon and six working days per week is a ratio which is maintained throughout the year.

6. Shri. Gilda has also raised an issue as regards the water bodies drying up and 86 people having been admitted in the last episode of water contamination in a water body, leading to 13 deaths. Shri. Samant submits that adequate compensation has also been paid to the kith and kin of those who died. We are concerned, not about the quantum of compensation being paid to the near relatives. What concerns us is that there are deaths that are occurring due to shortage of potable water. We expect the State to initiate emergent steps to ensure that potable water is supplied to man and life in the Melghat Region and deaths due to contamination owing to drinking non-potable water needs to be avoided.

7. With regard to mobile vans, Shri. Gilda submits that Rs.31 Lakhs payment has not been made by the District Collector to those fuel pump operators and as a consequence, they have now declined

to supply diesel to the mobile vans. This would lead to the mobile vans becoming stationary without any activity. Shri. Samant submits that he would take instructions on this issue.

8. In these proceedings before us, we are informed that the then Project Officer, Ms. Mitali Sethi has authored a report. We have referred to this aspect in Paragraph No. 13 of our earlier order dated 26th March, 2026. Shri. Samant submits that the said report is under consideration and something will be thought about the said report, in the near future.

9. We find that the State should now become proactive and consider such reports on urgent basis giving it a highest priority. We are informed that the said report contains deep study about tackling problems which are normally noticed in tribal areas. If this be so, we would appreciate if the State Government promptly accepts the report as a research paper on the study of the various problems in tribal areas and prepares a blue print for dealing with the suggestions made in such reports. We hope that the State would apprise us on this aspect on the next date.

10. Since, in these proceedings, we are dealing with the tribal issues pertaining to the Melghat Region comprising of Dharni and Chikhaldhara, as well as the District of Nandurbar, which has been declared to be a total tribal District, we would segregate the hearings on Melghat issue and Nandurbar issue, on different dates.

11. For the present, we are listing these proceedings in order to enable all the parties to study “X-4” to “X-6” tendered by the State Government, on 29th April, 2026 at 3.00 p.m. to deal with the issue of the Melghat Region.

12. We are informed that a Nodal Officer of the designation of Principal Secretary, Public Health Department has already been appointed to co-ordinate all these issues emerging from this PIL and connected proceedings. Shri. Samant is apologetic that he is not present in the Court hall today since he is on election duty in West Bengal. He would surely remain present on the next date. We find that whenever we pose a query to the Learned AGP, being a responsible officer, he cannot answer without being properly instructed and invariably for every question, an adjournment will have to be granted. If this is the way the hearings in these proceedings have to be conducted, a logical end would

be far from sight. We, therefore, expect the Nodal Officer to be present and keep all subordinate connected staff of various departments along with him, when this PIL is being heard, either on the Melghat issue or on the Nandurbar issue.

13. Stand over to **29th April, 2026 at 3.00 p.m.** for dealing with Melghat Region.

(HITEN S. VENEGAVKAR, J.)

(RAVINDRA V. GHUGE, J.)