



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

PUBLIC INTEREST LITIGATION NO. 52/2023

(MUHAMMAD QAISER FAROOQ MUHAMMAD AKBAR & ANOTHER **VERSUS** STATE OF
MAHARASHTRA & ANOTHER)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri Moin Imran Khan, counsel for the petitioners.
Shri P.P. Deshmukh, counsel for the respondent no.1.
Ms N.P. Mehta, Additional Government Pleader for the respondent no.2.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : AUGUST 16, 2024

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On earlier occasion, when it was brought to the notice of this Court that civic amenities are not provided to the residents of Balapur Municipal Council, this Court *vide* order dated 18.07.2024 has noted that the details about providing the civic amenities are not being placed before the Court and as such, granted time to the respondent no.1 to place on record the material in regard to the steps taken for execution of work of sewerage treatment plant, laying down water supply pipe-line, management of Municipal waste, eradication of meat shops, etc.

2. On 26.07.2024, this Court again passed an order calling upon the Municipal Council to demonstrate the steps taken in the matter of repairs to be carried out to the meat market structure.

3. In response to the above, Shri P.P. Deshmukh, learned counsel appearing for the respondent no.1, has invited our attention to the Work Order dated 10.11.2022 issued to M/s. Puranik Brothers, a Project Management Consultancy ("PMC") for the purpose of carrying out survey

and submission of report for laying down water supply pipeline, lifting of water from the sources and making it available through water supply pipeline to the residents, under ground sewerage line, installation of sewerage treatment plant, etc. Shri P.P. Deshmukh has invited our attention to the agreement dated 10.11.2022 to that effect. He would urge that the said Consultancy is still working over the issue and has undertaken to supply the report as reflected in ***Annexure R-1-S*** produced at page No. 300, dated 24.07.2024. The counsel is not armed with further instructions in the matter of reporting compliance with regard to the aforesaid orders.

4. It is really unfortunate that the PMC appointed by the Municipal Council has issued Work Order without specifying the time and date within which the work of PMC viz. carrying out survey and laying down pipe line, sewerage treatment plant, underground sewerage line, etc. will be completed. We could notice that the said work is not completed till this date as could be inferred from the communication dated 24.07.2024.

5. In the aforesaid background, this Court expects the response of the respondent no.1-Chief Officer, Municipal Council, Balapur on the following issues:-

(a) The status of the survey report carried out by the PMC in the matter of laying down of water supply lines, lifting of water from the source, laying down of underground sewerage line and the installation of Sewerage Treatment Plant;

(b) If the report is received, the steps taken by the Municipal Council on such report being received from PMC and submission of the same to the Government or the competent authority for approval;

(c) what steps are being taken in the matter of repairs to the existing meat market and its expansion and whether sufficient space is available for the weekly market and if not, the remedial measures therefor.

6. Let the response be placed on record within a period of three weeks from today.

7. List the Public Interest Litigation for further consideration on 09.09.2024.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

Belkhede