

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

**Writ Petition No.5856/2007**  
**(Anandilal s/o Hajarimal Bhutada and another .vs. Shegaon Municipal**  
**Council, Shegaon and others. )**

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

Court's or Judge's orders.

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Mr. F.T. Mirza, Advocate as *amicus curiae*  
Mr. N.R. Saboo, Advocate for Respondent No.1.  
Mrs. Bharti Dangre, Government Pleader for Respondent Nos. 2 to 5.  
Mrs. U.A. Patil, Advocate for Respondent No.6.  
Mr. N. Lambat, Advocate for Respondent No.9.

**CORAM : B.R. Gavai & Indira K. Jain, JJ.**  
**DATED : July 15, 2015.**

Vide order dated 17.06.2015 we had noted six points with regard to which certain further action was needed to be taken.

Insofar as point No.6 is concerned, it pertains to the authorities of the Railway Department. We have elaborately dealt with the said point vide order dated 24.06.2015.

Insofar as Point Nos. 1 and 2 are concerned, learned Government Pleader seeks two weeks' time to place certain material on record. Insofar as Point No.4 is concerned, Mrs. Patil, learned counsel appearing on behalf of the Sanstha also seeks two weeks' time to file detailed affidavit.

That leaves us only to deal with Point Nos. 3 and 5.

Insofar as Point No.5 is concerned, the Chief Officer of the Municipal Council has filed an affidavit stating therein that a resolution has already been

passed by the Municipal Council for handing over the main squares to the Sanstha for beautification. Since the said squares are already handed over to the Sanstha for beautification, we expect the Sanstha to take appropriate steps for beautification of the said squares which have been handed over to it by the Municipal Council.

Insofar as Point No.3 is concerned, in the affidavit filed by the Chief Officer it is stated that in view of the orders passed by this Court, the Municipal Council has worked out the expenditure for each connection. It is submitted that the said expenditure comes to Rs.250/- per connection and Rs.298/- per running meter for providing, fixing and laying of pipeline. It is submitted that an amount of Rs.1,20,00,000/- is required for the said work.

It is further pointed out in the affidavit that a notice was issued in the newspaper daily "Matrubhumi" calling upon the citizens to make an application and to deposit the requisite amount for connecting the toilets of the citizens to the sewerage line. It is, however, submitted that response from the citizens is very low and only 15 citizens have made the applications. It is further submitted in the affidavit that a communication is addressed to the Divisional Commissioner requesting him to sanction an amount of Rs.1,20,00,000/- so that this work can be carried out.

Since the Municipal Council is not having fund at the moment, we direct the Divisional Commissioner to sanction an amount of Rs.1,20,00,000/- from the PLA account as a loan to the Municipal Council, Shegaon.

The Municipal Council shall forthwith start the work of connecting the toilets to the sewerage line. It is made clear that after the work of connection of sewerage line is complete, the Municipal Council shall calculate the expenditure incurred on connection of each of the houses and thereupon issue a notice for recovery of the said amount to the owners of the house. It is made clear that the Municipal Council would be entitled to take such steps for recovery of the said amount, as are permissible to recover the taxes under the provisions of the Maharashtra Municipal Councils, Nagar Panchayats & Industrial Township Act, 1965. It is made clear that the said amount shall be recovered within a period of six months from today and refunded to the PLA account opened in the name of the Divisional Commissioner for the purposes of development of Shegaon.

Stand over to 29.07.2015.

**JUDGE**

**JUDGE**