

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
and others)

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

Court's or Judge's order

.....
Mr. F.T.Mirza, amicus curiae
Mr.N.R. Saboo, Advocate for Respondent no.1
Mrs. Bharati Dangre, Govt.Pleader for respondents 2 to 5
Mr A.R. Patil, Adv. for Respondent no.6

CORAM : B.R.GAVAI &
INDIRA K. JAIN, JJ.
DATED : 17th June, 2015.

Heard.

We are happy to note that the learned *amicus* as well as learned Government .Pleader who have visited Shegaon town are satisfied with the progress of the work undertaken by the State, at Shegaon. The learned *amicus* as well as learned Government Pleader state that most of the works are progressing satisfactorily. Learned *amicus* has, however, pointed out the following facts to the notice of this Court:-

(1) that, an additional amount sanctioned by

the High Powered Committee of the State Government of Rs. 111 crores and Rs. 25 crores towards special allowance in its meeting dated 7th July, 2014 has not yet come for actual use;

(2) that the PLA account which was opened would expire on 30th June, 2015;

(3) that though the entire drainage is ready for use on account of non-connection of the sewerage line to the houses of the citizens, the said drainage line has not been put into use.

(4) that the area adjacent to the temple i.e. Khalwadi cannot be used for parking inasmuch as the residents of said Khalwadi will have to be first relocated and rehabilitated.

(5) beautification of square on the main road;

(6) that the Railway authorities have not given any concrete time-frame as to within what time the second foot-bridge would be constructed; further though the Railway authorities have been paid an amount of Rs. 12 lakhs for submitting a construction proposal for two underpasses so as to ease the traffic, the Railway authorities have not submitted the proposal.

Insofar as the first issue is concerned, we request the learned Government Pleader to take

instructions from the State Government as to within how much time an amount of Rs. 111 crores and Rs. 25 crores would be credited to the P.L.A. account opened for the purpose of carrying out infrastructural activities at Shegaon. We further direct that the P.L.A. which is opened for the said purpose shall be continued for a further period of one year i.e. 30th June, 2016.

Insofar as the connection of the houses to the drainage line which is complete is concerned, we direct the Municipal Council to start the work of connection of the houses to the drainage line within a period of one week from today. The Municipal Council shall submit a report on the next date as to what progress has been done by it insofar as the connection of houses to the drainage line is concerned.

Insofar as the re-settlement and relocation of the dwellers on the Government land at Khalwadi is concerned, we are informed that the State Government so also the Sanstha are having alternate accommodation wherein the dwelling houses can be constructed for the occupation of the landholders of Khalwadi. We are also informed that the work undertaken by the Maharashtra Housing & Area

Development Authority for construction of houses for the occupants of Matangpura, is being done in a remarkable manner. We, therefore, request the Government Pleader and Shri A.R. Patil learned counsel appearing for the Sanstha to seek instructions from the S.D.O. and from the Sanstha respectively, regarding availability of the alternate land wherein occupants occupying the land at Khalwadi can be relocated and resettled. On such information being available, we can consider to issue necessary direction to MHADA for construction.

Insofar as the beautification of the squares on the main road is concerned, we direct the Municipal Council to hand over the square on the main road to the Sanstha for its beautification within a period of eight days from today. On such squares being handed over to the Sanstha, the Sanstha shall undertake the work of beautification of squares on the main road.

Insofar as the other two issues are concerned, they relate to the Railways. An amount of Rs. 1 crore is already handed over to the Railway authorities for construction of the additional foot-bridge and an amount of Rs. 12 lakhs is also handed

over to the Railway authorities for preparing estimates for two under-passes. However, the response from the Railway authorities appears to be lukewarm. Even the learned counsel who appears on behalf of the Railway authorities does not have time to attend the proceedings before this Court. The Court in public interest litigation deals with important matters pertaining to the larger public interest. Such matters are taken only on one day i.e., Wednesday, of every week. The lawyers and especially those who are appearing on behalf of the authorities of the State, are expected to assist the Court in resolving larger public issues.

In that view of the matter we direct that notice be issued to the Divisional Railway Manager, Bhusawal, calling upon him to remain present before the Court on 24th June, 2015 and show cause as to why an action should not be taken against him for not assisting the court in this public interests litigation in an effective manner. S.O. to 24th June, 2015 only so far as notice issued to the Divisional Railway Manager to the concerned.

Stand over to 15th July 2015.

JUDGE

JUDGE