

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

WRIT PETITION NO.5856 OF 2007

[Anandilal s/o Hajarimal Bhutada and another .vs. The Shegaon Municipal Council, Shegaon and others]

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

Court's or Judge's orders

Mr. F.T. Mirza, Advocate [Amicus Curiae] for the petitioners,
Mr. D.M. Kale, Advocate for respondent no.1,
Mrs. Bharti Dangre, Government Pleader along with Mr. Deepak Thakare, Additional
Government Pleader for respondent nos.2 to 5,
Mr. A.R. Patil, Advocate for respondent no.6,
Mr. P.P. Kothari, Advocate for respondent no.8,
Mr. N.P. Lambat, Advocate for respondent no.9.
Mr. D.M. Kakani, Advocate for respondent no.11.

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CORAM : B.R. GAVAI AND
MRS. SWAPNA JOSHI, JJ.

DATED : APRIL 28, 2016.

The petition is circulated by the learned amicus, since the learned amicus and the learned Government Pleader had visited Shegaon on 19.4.2016 so as to do the spot inspection and find out the progress of the works being done. Certain difficulties have been pointed out by the learned amicus which are as under :

On account of the orders passed in Writ Petition No.5804/2015 on 28.10.2015, though the entire work of Shegaon-Balapur road is almost complete, the taring could not be done.

It is submitted that, as a matter of fact, the grievance of the petitioner in the said petition no more survives, in as much as, at the request of the school run by the petitioner therein, the alignment of the road was modified, so that the compound wall, gate etc. of the building of the school is saved.

It appears that the orders passed by this court in the present Public Interest Litigation were not brought to the notice of

the learned Single Judge in the said petition, while the order was passed.

The learned Government Pleader states that the State would immediately move the learned Single Judge so as to bring to the notice of the learned Single Judge the orders passed by this court in the present Public Interest Litigation, so that appropriate orders can be passed by the learned Single Judge.

The second issue brought to the notice of this court by the learned amicus is regarding underpass which would connect the two parts of Shegaon town divided by the railway line. It is submitted that though the entire amount is deposited with the railway authorities, no further progress has been done.

Shri Lambat, learned counsel appearing on behalf of the Railway Authorities, submits that the designs are submitted to the State Government. However, the learned counsel is not in a position to point out as to when and with which authority the said designs are submitted. The railway authorities shall, therefore, file an affidavit, by the next date, pointing out the details regarding the date of submission of the designs and to which it is submitted.

From the perusal of the various orders passed by this court, it would reveal that the railway authorities had agreed for construction of home platform at Shegaon Railway Station. In the affidavit filed by the railway authority, the statements are also made what is the progress with regard to the same.

The third issue which is brought to the notice is regarding the construction of the houses by MHADA wherein the persons, who are now resided in the area earmarked for the parking plaza area to be located. Learned amicus submits that it was expected that the houses would be ready by the end of

May-2016, so that the persons can be rehabilitated there and the area can be made available for construction of parking plaza.

The learned counsel for the MHADA is requested to file an affidavit of the Competent Authority of the MHADA by the next date by pointing out therein the entire schedule regarding the completion of the houses.

The learned amicus has also brought to the notice of this court certain issues with regard to the works to be carried out by the Municipal Council, they are as under :

- (1) Toilet blocks;
- (2) Sewerage connections;
- (3) Beautification works.

Insofar as the toilet blocks are concerned, there should have been no impediment for completion of toilet blocks by now, in as much as the funds are received by the Municipal Council from the State Government for the said purpose.

Insofar as the connection of sewerage line to the toilet is concerned, since the Municipal Council had expressed inability to do the work on account of financial deficiencies, we had directed the State Government to give an amount by loan to the Municipal Council, so that the work is not stalled.

Insofar as beautification work is concerned, though we had initially directed the Sanstha to do the work, it was at the instance of the Municipal Council and the Hon'ble local M.L.A. that we had passed an order permitting the Municipal Council to do the beautification work. We had also expressed that if Hon'ble M.L.A. desires to spend the funds from his MLA's fund for the said work, he was free to do so. We direct the Municipal Council to file an affidavit on following aspects :

- (a) as to within how much time the construction of the toilet blocks would be completed;
- (b) as to within how much time the toilets would connected to the sewerage line;
- (c) as to within how much time the loan given to the Municipal Council by the State Government would be refunded to the State Government;
- (d) what is the progress with regard to the beautification work and within how much period the same would be completed.

Stand over to next week.

JUDGE

JUDGE