

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

CAW NO. 1156/2012 IN WRIT PETITION NO. 3761 OF 2008
(Shri Mangesh Deenkarrao Indapawar & Anr. vs. The State of Maharashtra & Ors.)

AND

WRIT PETITION NO. 5856 OF 2007
(Anandilal Hajarimal Bhutada & Anr. vs. Shegaon Municipal Council, Shegaon & Ors.)

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

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
A.P. BHANGALE, JJ.
APRIL 20, 2012.**

Heard Shri Mirza and Shri Kilor, learned counsel for the petitioners in respective petitions, Shri Sambre, learned Government Pleader, Shri Lambat, Shri Patil, Shri Saboo and Shri Wankhede, learned counsel for the respective respondents.

Leave granted to correct the description of Respondent No. 3 in Writ Petition No. 5856 of 2007.

Both matters pertain to development activity necessary for Shegaon town. In Writ Petition No. 5856 of 2007, after our orders dated 05.08.2011, Respondent No. 1 – Municipal Council has filed an affidavit pointing out some developments. Respondents No. 2 to 5 have filed the report in September 2011. Both these affidavits do not show any concrete steps as per the time schedule which State Government framed while releasing grants of Rs. 250 crores.

The learned Government Pleader appearing

for Respondents No. 1, 2, 4 to 7 in Writ Petition No. 3761 of 2008, informs that the Divisional Commissioner has forwarded the progress report explaining position as in March 2012. The terms and conditions subject to which the State Government extended grants show that certain basic works were to be completed before Centennial function of Respondent No. 8 – Sansthan. After completion of that function, further works were to be undertaken. According to the petitioners/ applicants in CAW No. 1156 of 2012, these works are still not completed. Certain photographs are placed before us in support of this contention.

In order dated 05.08.2011, this Court has noted that Respondent No. 1 – Municipal Council and Respondent No. 6 – Trust had agreed to share the expenditure, however, at that time it was disputed by Respondent No. 6 and hence time was given to it to file appropriate reply affidavit. No reply affidavit has been placed on record but then it has been pointed out to us that whatever development works could be completed by Municipal Council, Respondent No. 6 had donated some amount for that work.

As we find that though Government released funds, the development has not progressed and has failed to keep pace with time, we direct the Divisional Commissioner, who is chief of Nodal agency as also Chief Engineer concerned of Public Works Department, to file appropriate reply affidavit before this Court by 8th

May 2012 separately. The said officers should also see that the monthly progress reports after 5th August 2011 till date are also made available along with their separate affidavits as mentioned above.

From arguments of Government Pleader, it appears that his office is not getting cooperation from Nodal agency or from the office of the Chief Engineer. The learned GP at this stage is contending that impression gathered by this Court is not correct. However, we are not in a position to appreciate his effort. We, therefore, direct the Divisional Commissioner as also the Chief Engineer to see that progress reports are submitted without fail to the office of Government Pleader as a part of their duty without any reminder by the office of Government Pleader.

List the matter on 8th May 2012.

A copy of this order be furnished to learned Government Pleader.

A copy of this order be also sent to the Principal Secretary, Public Works Department for its due cognizance.

JUDGE

JUDGE

*G.S.