

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

WRIT PETITION NO.5856 OF 2007

(Anandilal s/o Hajarimal Bhutada and another vs. The Shegaon Municipal Council and others)

WITH WRIT PETITION NO.3761 OF 2008

(Shri Mangesh s/o Deenkarrao Indapawar and another vs. State and others)

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

CORAM : D.D. SINHA AND
F.M. REIS, JJ.

DATED : MARCH 23, 2010

Heard Shri Mirza, learned amicus curiae,
Shri Saboo, learned Counsel for the respondent no.1,
Shri Sambre, learned Government Pleader for
respondent nos. 2 to 5, and Shri Patil, learned
Counsel for the respondent no.6 in Writ Petition
No. 5856/2007 as well as Shri Kilor, learned Counsel
for the petitioners, Shri Lambat, learned Counsel for
the respondent no.9 and Shri Wankhede, learned
Counsel for the respondent no.10 in Writ Petition
No.3761/2008.

It is brought to the notice of this Court that after order dated 17.12.2009 was passed by this Court, the Chief Secretary, Government of Maharashtra has filed affidavit dated 9.3.2010 and in para (2) of the said affidavit, the Chief Secretary has stated thus :

“2. I say and submit that taking into account the importance and urgency of the infrastructure work, an amount of Rs.23.22 crores has been made available to the disposal of Divisional Commissioner, Amravati vide order dated 26.2.2010 on the basis of the discussion held in the Apex Committee and in anticipation of the approval of the minutes.”

The respondent Municipal Council, Shegaon has filed an affidavit of Municipal Engineer today and in para (3) of the said affidavit, it is stated that if amount of Rs.23.22 crores is received by the Municipal Council, the following works will be started on priority :

“(a) Parikrama Marg – approximate cost Rs.15 crores.

(b) Main road – Ambedkar Chowk to Donmori Road (approximate cost Rs.0.15 crores)

(c) Zadegaon Fata to Charmiri (approximate cost Rs.2.50 crores),

- (d) Engineering College to Manik Store (Approximate cost Rs.3 crores)
- (e) Balapur Road to Gandhi Chowk (approximate cost Rs.2.50 crores).

Shri Sambre, learned Government Pleader states that since the Chief Secretary on oath has made a statement that the amount of Rs.23.22 crores has already been made available to the Divisional Secretary, Amravati Division, Amravati for development work, it is for the Chief Officer, Municipal Council, Shegaon to approach to the Divisional Commissioner, Amravati immediately and in consultation with him, should start the development works referred to hereinabove, since the funds are already allocated for the said purpose by the State Government.

So far as above referred five development works are concerned, we direct the Chief Officer, Municipal Council, Shegaon to approach the Divisional Commissioner, Amravati Division, Amravati forthwith and in coordination with the Divisional Commissioner, Amravati Division, Amravati should start the development works in

respect of above referred five works without further delay and progress report of the said development work should be submitted to this Court within eight weeks. Needless to mention that the development programme should be undertaken by following due procedure applicable in this regard.

Shri Lambat, learned Counsel for the respondent no.9 and Shri Wankhede, learned Counsel for the respondent no.10, inform this Court that so far as development works and amount required to be spent for the said works reflected in the minutes of the meeting of the Apex Committee annexed with the affidavit dated 9.3.20010 filed by the Chief Secretary are concerned, the respective respondents are seeking permission to approach the Divisional Commissioner, Amravati Division, Amravati for implementation and carrying out the said development programme/works. We grant permission to the respondent nos. 9 and 10 to approach the Divisional Commissioner, Amravati Division, Amravati without further lapse of time for the said purpose.

We expect the Chief Officer, Municipal Council, Shegaon to take up all the issues, which are reflected in the minutes of the meeting of the Apex Committee with the Divisional Commissioner, Amravati Division, Amravati apart from ones referred to hereinabove. Similarly, we expect the Divisional Commissioner, Amravati Division, Amravati to give full cooperation to the Chief Officer, Municipal Council, Shegaon as well as other Authorities for completion of the development works at the earliest.

Put up on 5/5/2010.

Copy of this order authenticated by the Court Sheristedar be given to the learned Government Pleader.

JUDGE

JUDGE

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