

KKJ
MAS

12/11/2022

महाराष्ट्र राज्य मानवी हक्क आयोग



12/11/2023

16/12/2023

27/1/2023

4/5/2023

Closed

MAS

Dispen Done

Maharashtra State Human Rights Commission (MSHRC) Mumbai

with Suo motu
30/06/2022

Allotted to Court No. : 1/ 2/ 3

DOCKET SHEET

CASE No. /

SUO MOTU CASE NO: 4076/13/30/2022

News item appeared in Marathi Newspaper (Samna) on 7th October, 2022

“सहापूरात रस्त्यांची चाळण; पुलांचा खुळखुळा” Thane.

Case to :- Hon'ble, Justice K.K.Tated, (Retd.).

Date of allotment :- 07.10.2022

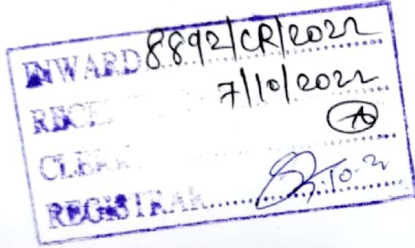
SUMMARY

4076/13/30/2022

सामना

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7-10-2022



हजारो ग्रामस्थांना प्रचंड त्रास

शहापुरात रस्त्यांची चाळण; पुलांचा खुळखुळा

निधी नसल्याने दुरुस्ती रखडली

शहापूर, दि. ६ (सा.वा.) - ग्रामीण भागाच्या दृष्टीने अतिशय महत्वाच्या असलेल्या शहापूर तालुक्यात यावर्षीच्या मुसळधार पावसामुळे ८० रस्त्यांची अक्षरशः चाळण झाली आहे. कडा, साईडपट्ट्या वाहून गेल्या असून पन्नासहून अधिक मोठ्यांचीदेखील दयनीय अवस्था आहे. पुलांचा तर खुळखुळाच झाला आहे. रस्ते व पुलांच्या दुरुस्तीसाठी २ कोटी रुपयांचा प्रस्ताव जिल्हा परिषदेकडे पाठवला असला तरी अद्यापि निधी मिळालेला नाही. त्यामुळे रस्त्यांची डागडुजी व पुलांची दुरुस्ती रखडली असून शहापूर तालुक्याला सापत्न वागणूक मिळत असल्याचा आरोप ग्रामस्थांनी केला आहे. वाहनचालकांना त्याचा त्रास सहन करावा लागत असल्याने संताप व्यक्त होत आहे.

शहापूर तालुक्यात ५४६ ग्रामीण जिल्हामार्ग व १८ इतर जिल्हामार्ग असे एकूण ५६४ मार्ग आहेत. या रस्त्यांची सुमारे ११०० किमी लांबी आहे. यावर्षी सरासरीपेक्षा सुमारे चार हजार मिमी जास्त पाऊस झाल्याने तालुक्यातील रस्त्यांची, मोठ्यांची व पुलांची दुर्दशा झाली आहे. सांगरोली - नामपाडा,



किन्हवली - बाभळे, मळेगाव-ठुणे, खरीवली-कानडी, शिरगाव-कुडशेत, टाकीपठार-साखरपाडा, बालशेत जोडरस्ता, वासिंद-भातसई, शिंदवाडी जोडरस्ता अशा रस्त्यांचा त्यात समावेश आहे.

ठिकठिकाणी खड्ड्यांचे साम्राज्य

एकूण ८० रस्त्यांच्या तब्बल ५० किमी लांबीवर खड्ड्यांचे साम्राज्य पसरले असून अनेक ठिकाणी रस्त्याचा पृष्ठभाग, कडा, साईडपट्टी वाहून गेली आहे. तर याच दयनीय अवस्था झालेल्या रस्त्यांवरील मोठ्या वाहून जाणे, पुलाच्या पिलरला खड्डा पडणे, पूल पाण्याखाली जाणे अशा पन्नासहून अधिक मोठ्या व पुलांची वाताहत झाली आहे.

विकासकामे ठप्प

पुरहानी कार्यक्रमांतर्गत रस्त्यांच्या व पुलांच्या तात्पुरत्या स्वरूपाच्या दुरुस्तीसाठी तब्बल सवा दोन कोटींचा प्रस्ताव ठाणे जिल्हा परिषदेकडे दोन महिन्यांपूर्वीच पाठवण्यात आला आहे. मात्र अद्यापपर्यंत या प्रस्तावाला मंजुरी मिळालेली नाही. निधीअभावी शहापुरातील अनेक विकासकामे ठप्प झाली आहेत. एखादी दुर्घटना घडल्यानंतर ठाणे जिल्हा परिषद या गंभीर समस्येकडे लक्ष देणार का, असा सवाल या रस्त्यांवरून प्रवास करणाऱ्या प्रवाशांकडून केला जात आहे.



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Maharaj Terminus, Mumbai – 400 001

Tel : 22092857 Email: - court1-mshrc@mah.gov.in

KKT/Suo Moto Case No.– 4076 /13/30/2022

Name of Respondent : The Addl. Chief Secretary
Panchayat Raj and Rural Development
Department
Mantralaya, Mumbai

The Addl. Chief Secretary
Urban Development Department
Mantralaya, Mumbai

The Addl. Chief Secretary
Public Works Department
Mantralaya, Mumbai

The Principal Secretary
Tribal Development Department
Mantralaya, Mumbai

The Collector
Thane

Date : 7th October 2022

Coram : Justice K.K. Tated, Chairperson

PROCEEDING

Not on board. Taken on board.

2. Today we noticed news appeared in Marathi News Paper Samana dated 07.10.2022 under caption "शहापुरात रस्त्यांची चाळण; पुलांचा खुळखुळा ; निधी नसल्याने दुरुस्ती रखडली"

3. It is stated in the said news that several roads are not maintained for want of grant from the Government.

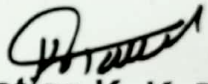
4. Considering these facts the following order is passed:

a) Office is directed to issue summons to the Addl. Chief Secretary (Panchayat Raj and Rural Development

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Department), Addl. Chief Secretary (Urban Development Department), Addl. Chief Secretary (Public Works Department), Principal Secretary (Tribal Development Department), and Collector, Thane calling upon them to hold inquiry and submit the report on or before 18.11.2022.

- b) Matter to appear on board before Division Bench of Justice K.K. Tated, Chairperson and Shri. M.A. Sayeed, Member in Court No.1 on 18th November 2022 at 11.00 a.m.


(Justice K. K. Tated)
Chairperson

Pl. Sharma request of
Suo moto 3566 of 2022



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Maharaj Terminus, Mumbai - 400 001

Tel : 22092857 Email : court1-mshrc@mah.gov.in

DIVISION BENCH

Suo Motu Case No.- 4076/13/30/2022

Name of Respondent

: Additional Chief Secretary
Panchayat Raj and Rural Dev.
Department, Mantralaya, Mumbai

Additional Secretary,
Urban Development Department
Mantralaya, Mumbai

Additional Chief Secretary,
Public Works Department,
Mantralaya, Mumbai

Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai

Collector,
Thane

Date

: 04th May 2023

Coram

: Justice K.K. Tated, Chairperson
M.A.Sayeed, Member

ORDER

(Per: M. A. Sayeed, Hon'ble Member)

Pathetic status of the public road in Shahapur Taluka, District Thane and want of repairs for want of fund by the government came to be highlighted in Marathi local newspaper 'Samaana' of 07.10.2022.

2. Pursuant to the suo motu action taken by the Commission u/s. 12 of the Protection of Human Rights Act,

vide order 07.10.2022, reports on affidavit came to be placed on record vide Ex. 'A' to Ex. 'H'. During course of enquiry, following direction came to be passed on 16.02.2023:

"2. In compliance of our direction dated 12.01.2023, Ld. Adv. Rupali Kamlapurkar for Zilla Parishad, Thane has submitted affidavit Ex. 'E' of Dr. Rupali Satpute, Additional Chief Executive Officer, Zilla Parishad, Thane, We have gone through this affidavit as well as documents annexed with it. We direct Ld. Adv. Kamlapurkar to submit proper clarifications in respect of the facts affirmed in para 3 to 5 which reads thus:

"3. I say that, in the news nine road has mentioned which is as below:

- a. savroli-nampada village road,
 - b. kinavali-babhale village road,
 - c. Malegaon-thune other district road,
 - d. kharavali-kanadi village road,
 - e. shirgaon-kudshet other district road,
 - f. takipathar-sakarpada major district road,
 - g. valshet approach road (village road)
 - h. vashin-bhatsai major district road
 - i. shidwadi approach road (village road)
- 4. I say that Out of these nine Roads, Malegaon-thune other district road & shirgaon-kudshet other district road has got administrative Approval from ZP Thane under the head account 5054 -4095 for repairing for 2022-2023 year having the cost of Rs.50,00,000/- (fifty lacs) each and after completion of period for code of conduct on 04.02.2023, Zilla parishad, thane has issued tender notice no. 41/2022-2023 for the aforesaid work and tender submission shall begins from 13.02.2023 till 28.02.2023 and from 01.03.2023 the tender will be open and the contractor who got the said work will start its work immediately and shall be completed the aforesaid work before rainy season.**
- 5. I say that, in respect of savroli-nampada village road, kinavali-babhale village road,**

kharavali-kanadi village road and shidwadi approach road (village road) for repairs of these roads, as work of these roads coming under regular head of account no. 3054-2419 and zilla parishad Thane considering the emergency of said work has decided to do the aforesaid work by including it in District Annual Plan 2022-2023 and for the same Hon,ble Guardian Minister has also given his permission for the same and for the aforesaid work Zilla parishad also will issue the tender notice immediately and after fulfillment of tender procedure, Zilla parishad through contractor shall start the aforesaid work and will be completed it before rainy season."

Ld. Advocate has sought time to submit clarifications as regards the time frame of calling the tenders, penalty clause and completing the construction/repairs of the roads in question by next date without fail.

3. In respect of roads 'F' & 'H' in para 3 supra above, we have been informed that these roads comes under the jurisdiction of Public Work Department. Today, Shri Avinash Section Engineer, has submitted affidavit Ex. 'F' of Shri Vilas Kamble, Superintending Engineer, Thane, affirming in para 3 & 4 as under:

"3. On taking further detailed information from my office, I have now been informed that 02 Major District Roads (MDR) which are the subject matter of the captioned case fall under the jurisdiction of the PW Sub-Division No. 1, Shahapur for maintenance and repairs. These roads are:

(a) Vashind - Shere - Shendrun - Kinhavali - Sokorche Road, MDR 62, KM 00 - KM 39/500; and

(b) State highway 50 to Vehvali - Chariv - Manekhind - Taki Pathar to Dhadre Road, MDR 63, KM 00 - KM 16/125.

4. PW Sub-Division No. 1, Shahapur, regularly carries out maintenance and repair works of

the above mentioned roads. These roads are in good conditions and traffic movement thereon is smooth. Hereto annexed and marked EXHIBIT "A" are photographs of the above road."

4. From reading of these two paragraphs it is evident that these two roads are in good condition and in motorable conditions and photographs are also annexed to substantiate the aforesaid facts. We accept the statement on record."

3. Pursuant to the above directions report on affidavit vide Ex. 'H' came to be placed on record affirming in para 4 to 8 and 10 as under:

"4. I say that Out of these six Roads, in respect of repairing work of shirgaon-kudshet other district road, the Zilla parishad, Thane with following due process of law has issued work order dated 24.03.2023 to contractor namely M/s. Jitendra vasant Madake and as per its affidavit they will complete the aforesaid work on or before 31st may 2023 and accordingly M/s. Jitendra vasant Madake has completed the said work and same is satisfactory. I say that, in respect of repairing work of Malegaon-thune other district road, the Zilla Parishad, Thane with following due process of law has issued work order dated 27.03.2023 to contractor namely M/s. Vaishanavi construction and as per its affidavit they will complete the aforesaid work on or before 31st may 2023. And accordingly M/s. Vaishanavi has completed the said work and same is satisfactory.

5. I say that, in respect of repairing work of savroli-nampada village road, the Zilla parishad, Thane with following due process of law has issued work order dated 11.04.2023 to contractor namely M/s. Swastic M. K. S. S. Ltd and as per its affidavit they will complete the aforesaid work on or before 31st may 2023 and accordingly M/s. Swastic M. K. S. S. Ltd has completed the work and same is satisfactory.

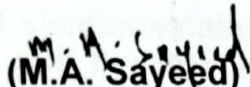
6. I say that, in respect of repairing work of kinavali-babhale village road, the Zilla parishad, Thane with following due process of law has issued work order dated 06.04.2023 to contractor namely M/s. Krunali Kailas kadav and as per its affidavit they will complete the aforesaid work on or before 31st may 2023 and accordingly M/s. Krunali Kailas kadav has completed the work and same is satisfactory.
7. I say that, in respect of repairing work of kharavali-kanadi village road, the Zilla parishad, Thane with following due process of law has issued work order dated 11.04.2023 to contractor namely M/s. Sanjay MKSS Ltd and as per its affidavit they will complete the aforesaid work on or before 31st may 2023 and accordingly M/s. Sanjay MKSS Ltd has completed the work and same is satisfactory.
8. I say that, in respect of repairing work of shidwadi approach road (village road), the Zilla parishad, Thane with following due process of law has issued work order dated 11.04.2023 to contractor namely M/s. Ritesh Ramchandra Bhusari and as per its affidavit they will complete the aforesaid work on or before 31st may 2023 and accordingly M/s. Ritesh Ramchandra Bhusari has completed the work and same is satisfactory.
10. I say that, the Construction Department of Zilla parishad, Thane has taken every efforts and completed the repair work of six village roads of Shahapur before rainy season. Hence there is no any substance in the news published by Applicant. I say that, the construction Department of Zilla parishad, Thane to prove its contention already filed its affidavit in reply along with certain documents and also crave leave of this Hon'ble Commission to give permission for file certain Additional documents to prove its contention. I say that, my humble request to this Hon'ble Commission is that the documents on record may kindly be considered."

4. Thus, with the appropriate satisfactory steps taken by the authority in restoring the roads to motorable conditions,

it can be safely concluded that our further intervention is not warranted, hence following order:

"ORDER"

a) The present suo motu stands closed and disposed off with no order as to cost.


(M.A. Sayeed)
Member


(Justice K. K. Tated)
Chairperson