

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION****PUBLIC INTEREST LITIGATION NO. 76 OF 2014**

Parashram Gopal Gaikwad and ors.

....Petitioners.

Vs.

The State of Maharashtra, through
Dept of Planning and ors

....Respondents.

Mr. Surel S. Shah i/by Mr. A. M. Kulkarni for the Petitioners.

Mrs. M. S. Bane, AGP for the Respondent Nos. 1 and 2.

Mr. R.D. Rane for the Respondent nos. 3 and 4.

Mr. Rahul Kate for the Respondent No.5.

**CORAM : SMT. VASANTI A. NAIK AND
C.V. BHADANG, JJ.**

DATE : 23.01.2015

P.C.:-

By this public interest litigation, the Petitioners seek a direction to the Respondents to retain the funds that are already sanctioned and received by the Respondent No.5-Grampanchayat towards the construction of the Grampanchayat office building and social and cultural hall.

Most of the Petitioners had lost in the elections to the Grampanchayat in the year 2012. While the Petitioners were in office, the Grampanchayat had passed a resolution dated 16.6.2010 to construct the Office of the

Grampanchayat on plot no.662 and a cultural hall for the activities of the Grampanchayat on plot no.454. It is the case of the Petitioners that after the new body came into office, the Grampanchayat started construction of the Grampanchayat office on plot no.454 and decided to construct a cultural hall on plot no.662. It is the case of the Petitioners that the Grampanchayat could not have made the aforesaid changes without securing the permission of the Zilla Parishad and the State Government. According to the Petitioners, the construction of the office of the Grampanchayat on plot no.454 is illegal.

On hearing the learned counsel for the parties and on perusal of the petition and the affidavit in reply filed on behalf of the Respondents, it appears that the petition has been filed by the defeated members of the Grampanchayat against the action of the newly elected body of the Grampanchayat. It appears that after the new body was elected, by the resolution of the Grampanchayat, it was decided that a cultural hall be constructed on plot no.662 and the office of the Grampanchayat be constructed on plot no.454. According to the Grampanchayat, it was necessary to construct the Grampanchayat office on plot no.454 as the said plot was centrally located and the location of the Grampanchayat office on the said plot would have been helpful to the villagers. It is not the case of the Petitioners that the Grampanchayat has squandered the money sanctioned by the State Government for the purpose of construction of the

Grampanchayat office. The only grievance of the Petitioners is that the Respondent-Grampanchayat has constructed the Grampanchayat office on plot no.454, though by the previous resolution of the Grampanchayat it was decided that the construction of the office could be made on plot no.662. Also, the case of the Petitioners that the well on plot no.454 was closed by the Grampanchayat before making of the construction and the villagers have therefore lost the right of taking the water from the well does not appear to be correct as it is pointed out on behalf of the Grampanchayat that the earlier body which comprised of the Petitioners had decided to fill and close the well. It appears that the Petition is not filed in public interest and the Petitioners have their own axe to grind.

In the result, we dismiss the writ petition with no order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)