

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

W.P.No. 1228 of 2013

Sudhir Rajaram Raut and others .vs. State of Maharashtra and others.

Notes, Office Memoranda of

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

Shri M.V.Samarth, Adv. for the petitioners.

Smt. Bharti Dangre, Govt. Pleader for R-1 to
5.

Shri Amol Deshpande, Adv. for R-12,8,7 and
10.

**CORAM : B.P.DHARMADHIKARI &
S.B.SHUKRE, JJ**

DATE : 7.4.2015

The matter was considered in the first half. The respective counsel pointed out the situation emerging after the joint sitting and deliberations as ordered by this Court vide its order dated 10.3.2015.

2. It appears that under the head of tourism, works have been carried out and funds have been spent by the Office of the Collector. The respondent no. 7 Zilla Parishad has also suggested certain other works under same head.

3. The budgetary provisions available for the financial year 2012 -2013 and 2013-2014 has been protected because of the interim orders passed in the matter by the Court and those funds are, therefore, still available.

4. The respondents do not dispute that after appropriation of funds for roads, funds are in balance in both these financial years.

5. According to the learned Government Pleader, situation has arisen after the Judgment of this Court in the case of Charan Sovinda Waghmare vs. State of Maharashtra and others reported in 2012(4) Bombay Case Reporters, 40 and the State Government has thereafter taken the proper policy decision so it is not likely to recur. In such situation, as the funds have already been spent on Public Works, according to her, surplus funds available in the above mentioned financial years, can be disbursed and allowed to be appropriated by the respondent no.7 Zilla Parishad for the works suggested by the Zilla Parishad.

6. Shri Amol Deshpande, Advocate appearing for

respondent no.7 submits that the Zilla Parishad has accordingly suggested total 35 works for which funds need to be used. Shri Samarth, Advocate for petitioner then sought adjournment to find out whether such an arrangement can be accepted.

7. After lunch break in second half, upon instruction he submits that the petitioner is ready and willing to proceed further by accepting arrangement as suggested. However, he insisted for payment of some costs. According to him, even nominal costs would be more than sufficient. Request for costs is being strongly opposed by the other side. As we have already noted above that the situation cropped up is transitory and may not recur again, in the situation, we find it in public interest that the funds available should be allowed to be appropriated towards 35 works suggested by respondent no.7 Zilla Parishad. Hence, with the said directions, we dispose of the petition. No costs.

JUDGE

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