

mm

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10465 OF 2016

Sanjay Chanvirappa Hemgaddi & Anr.

...Petitioners

Vs.

The State of Maharashtra & Ors.

...Respondents

Mr. N.P. Dalvi a/w. Mr. T.M. Sugari, Advocate for the Petitioners

Mrs. M.P. Thakur, AGP for the State Respondent Nos. 1 & 2

Mr. D.G. Dhanure, Advocate for Respondent No.3

CORAM : NARESH H. PATIL &

M.S. KARNIK, JJ.

DATED :29TH NOVEMBER, 2016

P.C. :

The Petitioners challenge endorsement made by Honourable the Chief Minister on the communication submitted by Mr. Ashok Nimbargi dated 19th July, 2016. The communication relates to sanction of allotment of work to the tune of Rs. 20 crores by the General Body of the Corporation. The work relates to around more than 345 work orders to be implemented in Corporation area of the City of Solapur.

2. The Honourable Chief Minister had stayed the disbursement

of Rs. 20 crores, which was to be spent on the allotted work.

3. Learned AGP on instructions submitted a report called from the Corporation, which has been now received. The AGP further submits on instructions that the Assembly Session of the State will commence from Monday at Nagpur. The State would, therefore, take appropriate decision in respect of the subject matter within 4 weeks from today.

4. The learned Counsel appearing for the Corporation submitted that the Commissioner of Corporation has forwarded the report dated 28th November, 2016 by Email.

5. The learned Counsel appearing for the Petitioner submits that with some ulterior motive and purpose a complaint was made to the State Government by Respondent No.4 Corporator. The Corporator was present when the issue was discussed in General Body Meeting and appropriate resolution was passed. The Counsel submits that the order passed by the Honourable Chief Minister requires to be suspended and/or quashed and set aside in the larger

interest of public.

6. Perused the record placed before us. We are informed that the Commissioner of the Corporation has already submitted his report to the State Government. On behalf of the State a statement has been made that appropriate decision will be taken within 4 weeks from today. We therefor, direct the State Government to act in accordance with the statement made before this Court.

7. We have perused the judgment delivered by the Division Bench of this Court in the case of Netaji Prathisthan vs. Government of Maharashtra [AIR 2004 Bom 471] cited by the learned counsel appearing for the petitioners. The said judgment, on facts, cannot be made applicable to the present case.

8. In view of the statement made on behalf of the State and the directions issued as above, the petition stands disposed of.

(M.S. KARNIK, J.)

(NARESH H. PATIL, J.)