

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

WRIT PETITION NO.3314/2016

Avinash Gulabrao Mardikar and others

...Versus...

State of Maharashtra, through its Secretary, Department of Urban Development,
Mantralaya, Mumbai – 32 and others

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

Court's or Judge's orders

Shri A.S. Kilor, Advocate for petitioners
Shri S.P. Deshpande, Addl. G.P. for respondent nos.1 to 3
Shri J.B. Kasat, Advocate for respondent no.4
Shri R.M. Bhangde, Advocate for intervenor

CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : 16.11.2016

By this petition, the petitioners challenge the Government Resolution, dated 28.3.2016 to the extent that it applies to the Municipal Corporation, Amravati and further seek a declaration that Municipal Corporation, Amravati is competent to carry out the works under the Special Roads Grants.

After finding that the petitioners had made out a *prima facie* case, this Court had granted interim relief in favour of the petitioners and had directed the parties to maintain *status quo*. The order of *status quo* was granted as the Divisional Commissioner, that had approved the works of the General Body of the Corporation, had granted administrative approval to the

works recommended by the local MLAs in the area of Amravati Municipal Corporation. Subsequently, a statement was made by the learned Government Pleader on 19.10.2016 that none of the lists approved by the Committee under the Chairmanship of the Divisional Commissioner was placed before the State Government and hence, the State Government would take a final decision by considering the lists forwarded by the Corporation as well as the Local MLAs. It appears that the Government has taken a decision on 24.10.2016, thereby approving some of the works that are suggested by the local MLAs and some of the works that are suggested by the Amravati Municipal Corporation.

The learned Counsel for the petitioners states that the petitioners do not have any objection to the list, i.e., approved by the State Government vide decision dated 24.10.2016. It is stated that since the petitioners do not have any objection to the list approved by the State Government, the writ petition could be disposed of by accepting that the list approved by the State Government would be final.

In view of the aforesaid, we dispose of the writ petition, in view of the approval of the list of works by the State Government, on 24.10.2016.

Order accordingly. No costs.

JUDGE

JUDGE