

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

928 WRIT PETITION NO. 9222 OF 2016

UMAKANT BABURAO YALA AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Patil Indrale Anand V.

AGP for Respondents State: Mr. S. B. Josshi

Advocate for Respondents 5to7 : Mr. U. B. Bondar

**CORAM : R. M. BORDE &
K. L. WADANE, JJ.**

DATE : 27th April, 2017

ORDER:

1. The petitioners are praying for issuance of directions to the respondents to comply with the orders issued by the Ombudsman and Appellate Authority regarding construction of road and in respect of taking appropriate action against the erring officials who are responsible for committing irregularities in carrying out the construction of road of village Her, Taluka Udgir Dist. Latur.

2. Affidavit in reply has been filed on behalf of the respondents, wherein it has been stated that appropriate action has been taken against the erring officials and they have been punished under the provisions of the relevant Service Regulation.

3. So far as completion of the balance work of construction of road is concerned, it is stated in the

affidavit in reply that the work is required to be undertaken under the MREGS. However it has been informed by the Village Development Officer that Labours are not available within territory of five kms. and as such, the work of construction of road cannot be undertaken under the MREGS through the Gram Panchayat.

4. The respondents have expressed willingness to complete the balance within a period of one month, provided, they are permitted to use machinery for construction of the road. The petitioners do not have any serious objection for permitting the respondents to complete the work by using machinery. It also needs to be recorded that the the village Development officer has reported that labours are not available within territory of five kms. In the circumstance, the respondents need to be permitted to complete the work by using the machinery and it is accordingly permitted.

5. In view of the above, the respondents are directed to get the balance work of construction of road completed within a period of one month from today.

6. With the above as directions, writ petition is disposed of.

(K. L. WADANE, J.)

(R. M. BORDE, J.)