

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

Writ Petition No. 9456 of 2016

Bajirao Prakashrao Dharmadhikari. .. **Petitioner.**

Versus

The State of Maharashtra
And Others. .. **Respondents.**

Shri. Vivek Bhavthankar, Advocate, for
petitioner.

Smt. R.P. Gour, Assistant Government Pleader,
for respondent Nos.1 to 4.

**Coram: T.V. NALAWADE &
SANGITRAO S. PATIL, JJ.**

Date: 15 February 2017

ORDER:

The petition is filed to challenge the decision of respondent - Government to allot the work of construction of road within the limits of local body, Municipal Council, Parali to Public Works Department. Both the sides are heard.

2) Copy of Government Resolution dated 16-1-2016 is produced on the record and it shows that the Government has prepared a scheme which

enables the local body to pass resolution and decide the priority for construction of road at a particular place within its limits. Clause No.3(C) of this Resolution shows that it is up to the Government to chose agency which will execute the work. The specific wording of this clause is as under.

"The agency for implementing the work under the "Special Road Grant" will be chosen as per the necessity by the State Government and in case the State Government does not chose such agency, the work can be executed by the local body like Nagar Parishad and Nagar Panchayat".

3) In the present matter, the State Government has decided to get executed the work through the Public Works Department. The funds are not released in favour of the Municipal Council. The petitioner was the President of this local body at the relevant time and he has grievance that the local body is not allowed to execute the work. It was submitted for the petitioner that political party, Nationalist

Congress Party is in power in the local body and as the political party which is in power in the State is different, due to the influence of the Guardian Minister of this District, the work is not given to the local body. Learned counsel for the petitioner submitted that there should be fairness in choosing the agency. He submitted that at other places like Beed, Ambajogai, the local body is allowed to execute the work by the State Government.

4) There may be cases in which the Government has given the work to the local body but that does not mean that the local body gets right under the scheme to get the work. What is important for the people is that the work is executed. When in the Government Resolution itself it is made clear that the Government has reserved right to chose agency for execution of the work, local body cannot say that the work needs to be given to the local body for any reason. The contention about political rivalry

cannot be considered in the proceeding like the present one. If Court starts considering such submissions then the purpose of the scheme itself will get defeated and it will affect the interests of the public at large. This Court holds that interference in the decision of the Government is not possible. In the result, the petition stands dismissed.

Sd/-

(SANGITRAO S. PATIL, J.)

Sd/-

(T.V. NALAWADE, J.)

rs1