

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

**WRIT PETITION NO. 5207 OF 2016**

**Shashikant Patil**

**... Petitioner**

**V/s.**

**State of Maharashtra & Ors.**

**... Respondents**

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Mr. Bhushan Walimbe for the Petitioner

Mr. Manish Pabale, AGP for the Respondent No.1.

Mr. Ramesh Rane for the Respondent Nos. 2 to 4.

**CORAM : A.S.OKA &**

**SMT. VIBHA KANKANWADI, JJ.**

**DATE : 07th JULY, 2017**

**P.C.:**

. Heard the learned Counsel appearing for the Petitioner, the learned Counsel appearing for the Respondent Nos. 2 to 4 and the learned AGP for the first Respondent.

2 We have perused the affidavit-in-reply filed by Mr. Yashwant Shankar Bhand, Block Development Officer on behalf of the Respondent Nos. 2 to 4. The paragraph 3 of the said affidavit reads thus:

*“ 3. It is to be specifically noted here that as per the said Government Resolution dtd. 21/12/2015, the Taluka Level Scrutiny Committee scrutinizes the proposals and makes recommendations which are to be placed before the Gram Sabha for final approval, and after it is approved by the Gram Sabha, if any change has to be made therein, the same can be done only by the Chief Executive Officer of the Zilla Parishad.*

*I state that the Sarpandh/Gram Vikas Adhikari, Grampanchayat*

*Sagav has submitted the proposal dtd. 22/04/2016 regarding the change in works, to the office of the Block Development Officer, Panchayat Samiti, Shirala, and by letter dtd. 3/05/2016 the same was forwarded to the office of the Chief Executive Officer, Zilla Parishad, Sangli for necessary action. The Chief Executive Officer by his letter dtd. 18/06/2016 has duly rejected the said proposal changing the priority of the works.*

*Meanwhile, these Respondents received the Ad-interim Order dtd.29/04/2016 passed by the Hon'ble High Court. These Respondents will not take any adverse action without leave of tis Hon'ble Court."*

3 There is an affidavit-in-reply filed by Shri. Vilas Popat Jadhav, Assistant Commissioner (Development), Divisional Commissioner's Office, Pune. In paragraph 8 of his affidavit, he has stated thus:

*"8. I say that as per Government Resolution No. chouviala-2015/pra.kra.26/vitta-4 dt. 21<sup>st</sup> Dec 2015 in paragraph no. 3(3) the power to change the priority of works on the recommendation of Gramsabha is assigned to the Chief Executive Officer. However, the Chief Executive Officer, Zilla Parishad Sangli, till date have not sanctioned the change of the earlier action plan submitted by the Block Development Officer."*

4 Now the statement made by the third Respondent in this affidavit categorically records that the proposal submitted by the Sarpanch/Gram Vikas Adhikari to Gram Panchayat on 27<sup>th</sup> April 2016 for changing the priority of the works has been rejected by the Chief Executive Officer by a communication dated 18<sup>th</sup> June, 2016. There is nothing placed on record to show that any other proposal submitted by the Gram Panchayat for change of priority of works is pending. Moreover, today the learned Counsel appearing for the Second, third and fourth Respondents has placed on record a letter dated 05<sup>th</sup> July 2017 addressed to him by the Chief Executive Officer of Zilla Parishad, Sangali (Respondent No.2), which is taken on record and marked "X-1" for identification.

5 We accept the statement made in the affidavit of Shri. Yashwant Bhand, the Respondent No.3 on behalf of himself and on behalf of the second Respondent. The interim order which is operating in this petition did not prevent the Gram Panchayat from spending the amount which was provided for installation of water meters. Now, in any case, after the rejection of the proposal by the second Respondent, the amount available for installation of water meters will have to be utilised for the said purpose. Thus, the Respondent No.2 shall ensure that the amount received for the aforesaid work is duly spent by the Village Panchayat before the said amount lapses.

6 In view of the statements made in the affidavit and letter dated 05<sup>th</sup> July 2017, it is not necessary to entertain the petition and the same is accordingly, disposed of.

**(SMT. VIBHA KANKANWADI, J.)**

**(A.S.OKA, J.)**