

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

CIVIL APPLICATION NO.3805 OF 2018
IN
WRIT PETITION NO.14663 OF 2017

Grampanchayat, Mahasangvi
through its Upa Sarpanch and anr.

.. Applicants

Versus

The State of Maharashtra and ors.

.. Respondents

Mr S.S. Thombre, Advocate for applicants

Mr V.N. Patil Jadhav, A.G.P. for respondents no.1 and 2

Mr U.B. Bondar, Advocate for respondents no.3 to 5

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVALA, JJ**

DATE : 23rd March 2018

PER COURT

1. Mr Thombre, learned Counsel for the applicants submits that the applicants have filed Writ Petition seeking directions against the respondents to implement the resolutions dated 5.8.2016 and 16.12.2016 and set aside the resolution dated 21.7.2017 with regard to the implementation of the work under the Dalit Vasti Sudhar Yojana. Learned Counsel submits that the present Civil Application is filed to stay the effect, execution and implementation of the resolution dated 2.2.2018 passed by the District Social Welfare Committee, Zilla Parishad, Beed and the administrative order dated 23.2.2018. The learned Counsel strenuously contends that decision was already taken and administrative sanction was also granted for the work to be implemented as per the resolution dated 5.8.2016 and 16.12.2016. Without following any procedure, the said resolution is rescinded and further resolution is passed on 2.2.2018 for which administrative

sanction has been given with undue haste on 23.2.2018. According to learned Counsel no procedure as laid down is adhered to. In fact, prior to end of September of the said financial year, the proposals are to be called and the steps are to be taken. Without the proposals from the Gram Panchayat, the respondents have taken up this exercise to favour those Gram Panchayats which are in the good books and have shown affiliation to a particular political party and they have left out the other Gram Panchayats. According to learned Counsel, the fraud is being played by the respondents. The Gram Panchayats are being deprived of the welfare work. The implementation of the administrative order dated 23.2.2018 and 2.2.2018 required to be stayed as the same is illegal.

2. Mr Bondar, learned Counsel for respondents no.3 to 5 submits that the procedure has been followed. The proposals are received from Block Development Officers. Pursuant to 2016 resolution, about 935 Gram Panchayats were selected. Out of those 935 Gram Panchayats, 600 Gram Panchayats are selected as per the funds and the rest of the work also can be taken for the next financial year, if they are found eligible. According to learned Counsel, even work orders are already issued and directions are given to complete the work within fifteen days.

3. According to Mr Thombre, the respondents are not assuring that work would be taken up in the remaining villages from the 935 Gram Panchayats and no positive statement is made in that regard also.

4. We have considered the submissions. The work undertaken concerns upliftment of the areas under the Dalit Vasti Sudhar Yojana. The same is for the areas occupied by Dalit. 600 Gram Panchayats are to be benefited by the said work. It is trite that the public welfare works cannot be stalled. 600 Gram Panchayats which would be benefited by the work are not before the Court. It would not be prudent to stall the public welfare works. The said public work would be beneficial for the upliftment of the Dalit Vastis. If some illegality is being done by anyone and pointed out in the work being done, then the responsibilities can be fixed and action can be taken.

5. However, as the work orders are already issued and the works have commenced, we are not inclined to stall the said work.

6. With these observations, Civil Application stands disposed of.

7. Place the Writ Petition on 18th April 2018.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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