

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

PUBLIC INTEREST LITIGATION NO. 128 OF 2018

Ram Suryabhan Khade

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. S.G. Jadhavar, Advocate for Petitioner

Mrs. A.V. Gondhalekar, AGP for Respondent/State

**CORAM : PRASANNA B. VARALE AND
MANISH PITALE, JJ.**

DATE: 17th OCTOBER, 2018

ORAL ORDER :

1. Heard the learned Counsel appearing for the petitioner. The petitioner claims to be a social worker and challenge is raised to an exercise undertaken by the authorities of the State Government to make financial provisions for certain activities in Beed District. It was the submission of the learned Counsel that as per the policy of the State Government, certain amount of the funds are made available to various Panchayats, Gram Panchayats and only to give a go-bye to the procedure of floating E-tenders, the work is distributed in some works and the estimated costs of these works is shown below Rs. 3.00 lakhs. To support the submission, the learned Counsel placed heavy reliance on the document placed on record at page 27. A perusal

of the Government Resolution dated 31st March, 2018 shows that the object behind the distribution of the funds is to provide the basic amenities at village level. The Government Resolution opens with the statement that many a proposals were received by the State Government through the representatives of the people requesting that the fund be made available at Panchayat level to undertake the basic amenities or facilities at village level. Taking into consideration this demand, the scheme is floated and the same is reflected in the Government Resolution dated 31st March, 2018.

2. Now, the thrust of the learned Counsel is on the list at page 27 to submit that each and every work is below the estimated costs of Rs. 3.00 lakhs. Bare perusal of the list shows that the works include some smaller road constructions in the village, then cementing of the road, and then, it also refers to certain other work wherein the estimated costs is Rs. 4.00 lakhs, 5.00 lakhs and 7.00 lakhs. It may not be necessary to refer to each work. Suffice it to say that the range of the estimated costs of the work is from Rs. 2.50 lakhs to Rs. 20.00 lakhs. The learned Counsel for the petitioner then submitted that the activity of construction of Ashram School is undertaken in the list of these works when there is a special provision for construction of Ashram School and that work could not have been included in the work wherein the funds are made available to the Panchayats. Even this submission of the Counsel is on an erroneous reading of the list. The very particular work which is at

Sr. No. 595 shows that it is not the construction work of the Ashram School, but it is the construction work of a meeting hall in the premises of one Ashram School, namely, premises of Rajmata Prathamik Ashram School.

3. Considering all these facts, we are of the clear opinion that the petition is based on an erroneous reading of the document and on the misconception of the facts by the petitioner. As such, we are not inclined to entertain the petition and the petition deserves to be dismissed at the threshold and the same is accordingly dismissed.

(MANISH PITALE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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