

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
39 WRIT PETITION NO.961 OF 2018**

KUNDLIK WALMIK RATHOD AND ANOTHER ..PETITIONERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. Ramdas B. Singare, Advocate for the Petitioners.

Mr. P. K. Lokhande, AGP for Respondents-State.

Mr. Avinash D. Aghav, Advocate for Respondent No.7.

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**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATED : 04th JUNE, 2019.

PER COURT:-

1. Mr. Singare, learned counsel for petitioners submits that the petitioners were declared as beneficiary by the Grampanchayat as per Resolution No.3 passed on 20.12.2012. Sanction was also given by the Block Development Officer. The names of petitioners also appeared in the list of beneficiaries. Pursuant to that petitioners have dug the well, however, now respondents are not releasing the funds to petitioners for digging well under Sinchan Wihir Yogna.

2. The learned A.G.P. submits that the procedure is provided under the Government Resolution dated 07.03.2015. No such procedure has been adopted as provided under Government Resolution dated 07.03.2015. Even, there was no sanction to start digging of the well, as such, the question of further procedure does not arise.

3. We have also heard Mr. Aghav, learned counsel for respondent no.7. He also adopts the arguments of learned A.G.P.

4. It appears that, the Grampanchayat had named the present petitioners as beneficiaries, however, petitioners have dug the well on their own in their lands. The same does not appear to be inconsonance with the terms and conditions on which the petitioners themselves are relying.

5. The Government Resolution dated 07.03.2015 prescribes the procedure. It is for the Grampanchayat to purchase the material from the concerned dealers. Under Clause 2 of the Government Resolution the complete procedure is laid down. The material has to be purchased from the concerned dealer only. The bills have to be raised in the name of Grampanchayat. The Technical Officer has to value the said work. All such procedure is laid down. There is nothing on record to conclude that the said procedure was adhered to.

6. In light of the above, no interference is called for. Writ Petition is dismissed. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE