

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

WRIT PETITION NO. 1178 OF 2019

1. Mr. Chandrakant Ramrao Khandare,
Age 38 years, Occ. Labour/ Social
Worker, R/o. Ramabai Nagar, Parali
Road, Gangakhed, Tq. Gangakhed,
Dist. Parbhani.
2. Mr. Vishal Sudhakar Rao Salave,
Age 32 years, Occ. Social Worker/
Councilor, R/o. Kranti Nagar,
Gangakhed, Dist. Parbhani.
3. Mr. Nagnath Vishwanath Kasale,
Age 43 years, Occ. Social Worker/
Councilor, R/o. Tuljabhawani
Nagar, Gangakhed, Dist. Parbhani. ... PETITIONERS.

VERSUS.

1. The State of Maharashtra,
Through Principal Secretary,
Urban Development Department,
Mantralaya, Mumbai.
2. The Parbhani District Planning
and Development Committee,
Parbhani, Through its President.
3. The District Collector, Parbhani,
District Parbhani.
4. The Gangakhed Municipal Council,
Gangakhed, Through its President. ... RESPONDENTS.

...

Mr. Bachate Pralhad D., Advocate for petitioners.
Mr. K.N. Lokhande, A.G.P for the respondents No. 1 to 4.

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 25th JANUARY, 2019.

ORAL ORDER :

1. Heard learned counsel for the petitioners.
2. At the very out set we state that in a fact situation of the present petition normally we could have declined to entertain the petition at the threshold, but for certain reasons which we would state in the later part of the order, we are entertaining the petition only for disposal, at the admission stage.

3. The basic prayers in the petition are prayer 'B' and prayer 'C'.

The prayers are as under :-

(B) By way of writ, order or any other appropriate directions in the like nature, the Hon'ble Court may kindly quash and set aside the order of Parbhani District Planning and Development Committee dated 15.01.2019 thereby allotting funds for development of Dalit Vasti (residential area of Scheduled Caste) in Parbhani District.

(C) By way of writ of Mandamus or any other appropriate writ, order or direction in the like nature, the Hon'ble Court may kindly direct the Respondent No. 3 to consider the representation of the petitioners dated 19.01.2019 and allot the funds to the Municipal Council for development of Urban Scheduled Area.

The representation to the District Collector, Parbhani is submitted on 19.01.2019, received by the office of the Collector on the very day and petition is filed on 23.01.2019. Now, considering these facts, there is hardly any time for the Collector to apply his mind and in view of the sequence of events, we could not have entertained the petition. But the issue raised in the petition is of allocation of funds under the scheme namely, Nagari Dalit Wasti Sudhar Yojana. Now, as the name of the scheme suggests, it is for the development of urban areas, wherein, large number of people belonging to socially backward classes are residing. The certificates issued by the Chief Executive Officer of Municipal Council Gangakhed are placed on record to show that in certain wards of Gangakhed Municipal Council, there is a sizable number of population belonging to the socially backward classes. These are, ward No. 8, ward No. 10, ward No. 11, ward No. 2. A certificate issued by the Chief Officer, Municipal Council Gangakhed on 22.1.2019 that the population of Gangakhed town is 49891 and there are four wards, wherein, sizable population of socially backward class people is available. A document is also placed on record, dated 15.1.2019 to show that, as per the distribution of the funds under the scheme a major share comes to Purna Municipal Council, whereas, there is no disbursement of funds in favour of Gangakhed Municipal Council. Then there is also a document placed on record at Exhibit 'F'

to show that an information was received under Right to Information Act and for last three years namely 2016-17, 2017-2018 and 2018-2019 there is sizable allocation of the funds to other Municipal Councils of Parbhani district, whereas, Gangakhed Municipal Council received the funds to the tune of Rs. 25 lakh in the year 2016-2017, Rs. 20 lakh in the year 2017-2018 and no funds in the year 2018-2019.

4. Learned counsel for petitioner was justified in submitting before us that such allocation of funds or allotment of funds is nothing but depriving one of the Municipal Councils of Parbhani district from its reasonable expected share for the development activities. The counsel was also justified in submitting before us that in preceding two years namely, 2016-2017 and 2017-2018, if there was some allocation of the funds to Gangakhed Municipal Council, then there was no reason for non allotment of any funds in the year 2018-2019. As this issue is of public importance and as the petitioner raised this issue before the Collector by submitting representation, by giving certain details, we dispose of the petition with direction to the Collector Parbhani, to decide the representation dated 19.01.2019 expeditiously.

5. We also make it clear that if the Collector is short of powers, the Collector in his decision may state that which would be the

competent forum for these petitioners to raise the grievance, as the Collector is the head of the district administration and the issue is in regards to allocation of funds for the development of area having a sizable population of socially backward classes.

6. With these directions and observations, the petition is disposed of.

(S. M. GAVHANE)
JUDGE

mkd

(PRASANNA B. VARALE)
JUDGE