

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

WRIT PETITION NO. 2029 OF 2019

Rajendra Vyankatrao Pawar .. Petitioner

Versus

The Executive Engineer, Minor
Irrigation and others .. Respondents

Shri Girish K. Thigale (Naik), Advocate for the Petitioner.
Mrs. Chaitali Kutti/Choudhari, Advocate for the Respondent No. 1.
Mrs. Geeta L. Deshpande, A.G.P. for the Respondent No. 4.
Shri V. D. Sapkal, Advocate for the Respondent No. 5.

**CORAM : S. V. GANGAPURWALA AND
AVINASH G. GHAROTE, JJ.
DATE : 04TH DECEMBER, 2019.**

FINAL ORDER :

. We have heard Mr. Thigale, the learned advocate for the petitioner. According to the learned counsel to whom work order is issued is disqualified.

2. Affidavit is filed by the Executive Engineer, Minor Irrigation Division, Jalgaon. Some of the portion from the affidavit reads thus :

“As there is no stay given by honorable Court work order was issued by the respondent No. 1 to Respondent no. 5 to contractor. (Exhibit “F”) (Page No. 95 to 96)

As on date, the work is in physically completed & now water has been stored & due benefits are being accrued by the residing people.

Another Cement Nala Bund is under construction & is almost is on verge on completion. Benefits of this bandhara also will be given to the beneficiary people residing in the village in this season itself.”

3. As physical work is already completed, no purpose would be served in considering the petition on merits.
4. In case, according to the petitioner, he is illegally deprived of the work and has suffered some damage, the remedy is available to the petitioner to seek damages.
5. The petitioner may avail the remedy before the Civil Court or such other competent forum for the said purpose. In that event all contentions of respective parties are kept open.
6. The writ petition accordingly is disposed of. No costs.

[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]