

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

90 WRIT PETITION NO.4894 OF 2014

NANDISHWAR CO-OPERATIVE WATER SUPPLY SOCIETY
LTD. MANDURKI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. S.P.Urgunde, Advocate for Petitioner.
Mr. S.G.Karlekar, AGP for Respondent-State.
Mr. E.P.Sawant & Mr. M.P.Kale, Advocate for Respondent
Nos.2 & 6.
Mr. G.L.Deshpande, Advocate for Respondent Nos.3 & 4.
Mr. S.N.Lale Yelwatkar, Advocate for Respondent No.5.
Mr. B.R.Surwase, Advocate for Respondent No.6.

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

DATE : 24th June, 2019

PER COURT :-

1. The present petition is filed to the following prayers :

B) By issuing writ of mandamus, orders or directions in the like of writ of mandamus, the Respondent No.2 may please be directed to conduct an enquiry in respect of misappropriation committed by the Respondents Nos.3 to 5 while implementing the water supply scheme at village Mandurki, Tq. Chakur, Dist. Latur and to take further legal action against them within stipulated period.

C) By issuing writ of mandamus, orders or directions the Respondent No.2 may please be directed to decide

the applications (Exhibit "G") submitted by the petitioner and villagers from village Mandurki within stipulated period.

D) By issuing writ of mandamus or any other appropriate writ, order or directions in the like nature, the Respondents may please directed to stop the work of digging the well in the Mandurki Dam as the said work is going on illegal basis.

2. This Court under order dated 24.01.2019 observed that prayer clause 'B' cannot be considered by this Court. Paragraph No.2 of the said order reads as under :

"2. It is made clear that prayer clause 'B' cannot be considered by this Court. Learned counsel for the petitioner submits that he will delete prayer clause 'B' and he is not pressing prayer clause 'B'."

3. It is submitted by the learned counsel for the respondent that on 02.05.2015 Government Resolution is issued allowing the society mentioned therein viz. Mandurki, Pani Puravatha Yojana, Taluka Chakur to use water for domestic purposes from Mandurki Sathwan Talav to the extent of 0.042 cubic meters.

4. The said Government Resolution is issued on 02.05.2015.

5. Mr. Urgunde, the learned counsel for the petitioner submits that the work has been illegally carried out has been observed by respondent No.6 also.

6. The petitioner, if is aggrieved will have to assail the Government Resolution dated 02.05.2015 and raise all its contentions. The same is not the subject matter of this present writ petition.

7. In light of the above, the Writ Petition is disposed of.

8. The petitioner, if it so desires, may assail Government Resolution dated 02.05.2015 as may be permissible in law. All contentions in that regard of respective parties kept open. No costs.

(MANGESH S. PATIL, J.) (S.V. GANGAPURWALA, J.)

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vmk/-