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

**CIVIL APPLICATION NO.918 OF 2019
IN
PUBLIC INTEREST LITIGATION NO.6 OF 2016**

Appasaheb s/o Bhanudas Kharat,
Age: 28 years, Occu: Agri.
R/o. Dhoksal, Tq. Badnapur,
Dist. Jalna & ors.

..APPLICANTS

VERSUS

Manoj S/o Neminath Kolte Patil,
Age: 34 years, Occu: Agri. & Social Work,
R/o. Chhatrapati Sankul, Gala No.128,
Deulgaon Raja Road, Jalna,
Tq. & Dist. Jalna & ors.

..RESPONDENTS

Mr A. S. Gandhi, Advocate holding for Mr P. S. Mehta, Advocate for applicants;
Mr D. K. Rajput, Advocate holding for Mr S. S. Kulkarni, Advocate for respondent Nos.1 & 2;
Mr K. S. Patil, A.G.P. for respondent Nos.3 to 8;
Mr V. B. Mantri, Advocate for respondent No.9;

**CORAM : PRASANNA B. VARALE
AND
AVINASH G. GHAROTE, JJ.**

DATE : 16th September, 2019

ORAL ORDER:

Heard learned Counsel appearing on behalf of the applicants.

2. By way of present application, the applicants pray for intervention in the Public Interest Litigation No.6 of 2016. The other

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prayer in the application is, issuance of directions to respondents - authorities to disburse the amount of work done by the applicants in respect of construction of work of roads at village Dhoksal under the Employment Guarantee Scheme.

3. By an order dated 7th June, 2019, two weeks time was granted to learned Counsel for respondent Nos.1 and 2 for filing reply to the application.

4. It was an attempt of learned Counsel for the applicants to submit before this Court that due to pendency of Public Interest Litigation No.6 of 2016, the applicants, who are entitled to receive amount towards the work done by them, is not disbursed. Learned Counsel for the applicants invited our attention to the document placed on record, namely, a copy of the work order and also a Resolution referring to social audit of the work.

5. Though learned Counsel for the applicants heavily relied upon these documents in support of the prayers for seeking intervention and issuing directions for disbursement of the amount, we are not inclined to entertain the application for more than one reasons. Along with the application itself, the applicants have placed on record a

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communication issued to the Deputy Collector (EGS), Jalna through the office of Tahsildar, Badnapur. Bare perusal of this document/communication dated 9th December, 2016 shows that on perusal of the record in relation to various works undertaken under the scheme named as "Mahatma Gandhi National Rural Employment Guarantee Scheme" ('MGNREGA' for short), it revealed that an enquiry was initiated at the instance of Divisional Commissioner, Aurangabad and the same was pending. The communication then refers to the grievance raised in the public interest litigation i.e. in respect of illegality and irregularity in the work undertaken under the scheme MGNREGA. The communication then states that there are serious issues of irregularities in respect of construction of road and it would not be appropriate to release or disburse the amount till the enquiry initiated is concluded or the public interest litigation filed in this Court is disposed of.

6. In reply to the application, certain documents are placed on record along with the affidavit-in-reply filed on behalf of respondent Nos.1 and 2 i.e. original petitioners in public interest litigation. The communication dated 28th May, 2015 is placed on record at Exh.'R-1', issued from the authority, namely, the Grievance Redressal Forum, Jalna to the Tahsildar, Badnapur. The said communication refers to

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serious displeasure by the Grievance Redressal Forum and in clear words, the communication concludes that unless and until the fact situation is verified by having a spot inspection by the competent authority, it would not be appropriate to release or disburse the amount claimed under various bills.

7. Considering the facts referred above, we see no reason to entertain the application. The application, thus, being devoid of any merit, deserves to be rejected and same is rejected accordingly.

(AVINASH G. GHAROTE, J.)

(PRASANNA B. VARALE, J.)

sjk