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

PUBLIC INTEREST LITIGATION (st.) NO.10608 OF 2020

Vijaykant s/o Vikram Munde,
Age: 42 years, Occu: Agril. & social work,
R/o. Deogaon, Tq. Kaij, Dist. Beed-431123 ..PETITIONER

VERSUS

The State of Maharashtra,
Through its Secretary,
Rural Development Department,
Bandhkam Bhavan, 5th Floor,
25, Marzban Road, Fort,
Mumbai-400 001 & ors. ..RESPONDENTS

Mr A. D. Gade, Advocate for petitioner;
Mr D. R. Kale, G.P. for respondents

**CORAM : PRASANNA B. VARALE
AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 22nd May, 2020

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner.

2. Learned Counsel for the petitioner submits that the petitioner is active in social field and espouses the cause of public by way of present public interest litigation. By inviting our attention to the documents placed on record, learned Counsel submits that the State Government, with a laudable object issued a notification/resolution dated 28th October, 2015 which is placed on record at Exh.B. The

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caption of the notification/resolution refers to the object of up-gradation of the roads in rural areas and roads connecting to the small areas known as 'Vasti'. Then there is Government Resolution dated 11th December, 2015. Learned Counsel for the petitioner then invited our attention to the two communications dated 4th July, 2019 and 8th July, 2019. Then our attention is also invited to various tender notices placed on record at Exh.G collectively.

3. Learned Counsel for the petitioner then submits that by an order dated 27th March, 2020, the administrative approval granted in respect of certain road works in Beed district is cancelled. He also invited our attention to the concluding part of the order dated 27th March, 2020 and more particularly Clause (3) which refers to cancellation of work orders if they are already issued.

4. Learned Counsel for the petitioner, then invited our attention to the Government decision of the very date i.e. 27th March, 2020, granting an administrative approval to the road works under the said scheme, namely, "Mukhyamantri Gramsadak Yojana" in Kolhapur district.

5. Learned Counsel for the petitioner then submits that there is no logical explanation or justification for a discriminatory treatment to the

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road works initiated with an object of connectivity/up-gradation of the road works. He then submits that cancellation of work orders would only result in hampering the connectivity and would also result in a set back and inconvenience for villagers of particular villages in Beed district.

6. Learned Counsel for the petitioner then invited our attention to the representation dated 20th April, 2020, submitted to the Executive Engineer, Mukhyamantri Gramsadak Yojana, Beed Division, Beed, which is placed on record at Exh.L.

7. Considering the above referred factual scenario, on a query being put to learned Counsel for the petitioner, whether any representation is submitted to the State Government raising a grievance of discriminatory treatment, he submits that if the petitioner is permitted to approach the appropriate authority of the State Government, namely, the Secretary of Rural Development Department, within a stipulated period, he would submit a detailed representation to that authority raising a grievance of discriminatory treatment.

8. Mr Kale, learned Government Pleader appearing for respondents-authorities is fair enough to submit before this Court that if the petitioner submits such representation, the appropriate authority

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i.e. the Secretary, Rural Development Department would decide the same in a reasonable period. In our opinion, if such an exercise is undertaken by the petitioner, the same would not cause any prejudice to the respondents-authorities. The submission of learned Government Pleader only leads to a conclusion that the State Government is not treating the issue raised in the petition as an adversary litigation.

9. In our opinion, the petition itself can be disposed of with directions.

10. We deem it appropriate to permit the petitioner to submit a detailed representation to respondent No.1 i.e. Secretary, Rural Development Department within a period of three months from today. On receipt of such representation, respondent No.1 to decide the same within six weeks thereafter. Needless to state, if the petitioner is aggrieved by the decision, he may avail appropriate remedies as available under the law including challenge to be raised before the judicial forum.

With the aforesaid liberty to the petitioner and directions, the writ petition is disposed of.

(SHRIKANT D. KULKARNI, J.) (PRASANNA B. VARALE, J.)

sjk