

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

WRIT PETITION NO. 5887 OF 2020

Gulkhand Grampanchayat, Gulkhand,
Taluka Mantha, District Jalna
through its Sarpanch

..Petitioner

Versus

State of Maharashtra
through its Chief Secretary,
Rural Development and Water
Conservation Department,
Mantralaya, Mumbai and ors.

.. Respondents

Mr S.S. Jadhavar, Advocate for petitioner
Mr D.R. Kale, G.P. for respondent-State

- AND -

WRIT PETITION NO. 5888 OF 2020

Belora Grampanchayat, Belora,
Taluka Mantha, District Jalna
through its Sarpanch

..Petitioner

Versus

State of Maharashtra
through its Chief Secretary,
Rural Development and Water
Conservation Department,
Mantralaya, Mumbai and ors.

.. Respondents

Mr S.S. Jadhavar, Advocate for petitioner
Mr D.R. Kale, G.P. for respondent-State

WRIT PETITION NO. 5889 OF 2020

Pangri Gosavi Grampanchayat,
Pangri Gosavi, Taluka Mantha,
District Jalna, through its Sarpanch

..Petitioner

Versus

State of Maharashtra
through its Chief Secretary,
Rural Development and Water
Conservation Department,
Mantralaya, Mumbai and ors.

.. Respondents

Mr S.S. Jadhavar, Advocate for petitioner
Mr D.R. Kale, G.P. for respondent-State

**CORAM : RAVINDRA V. GHUGE AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 27th AUGUST, 2020

PER COURT:

1. In all these petitions, the petitioners are the Grampanchayats. These petitions are filed through the Sarpanch of the Grampanchayats. Identical prayers have been put forth by these petitioners as their grievance is with regard to the failure on the part of the competent authority in sanctioning the bills of the Grampanchayats and disbursing the bills with regard to certain construction activity undertaken. For the sake of clarity, we are reproducing prayer clause (B) from the first petition, which is as under :

"B] By issuing writ of mandamus or any other appropriate writ, order or direction, the respondents may kindly be directed to sanction and disburse bill of the petitioner Grampanchayat in respect of work of construction of Cement bandhara constructed in view of administrative sanction order dated 28.04.2012."

2. The learned Advocate for the petitioners has strenuously contended that the construction of the canals under the MREGS has already been undertaken and certain bills have been forwarded for sanctioning and disbursement. There were certain false allegations made by the local M.L.A. and as a consequence of which, a controversy erupted in these projects. It is canvassed that the construction work is completed and only because of the interjection of the local M.L.A., that the sanction to the bills has been held back.

3. It is further submitted that the Chief Executive Officer, Zilla Parishad, Jalna has caused an enquiry in the matter and a report with regard to the project work has been tendered. The said report has been forwarded to the Divisional Commissioner, Aurangabad Division, Aurangabad, for further action.

4. The learned Govt. Pleader submits that if sufficient time is granted, keeping in view that the Divisional Commissioner is relentlessly working in COVID-19 Pandemic, a decision can be taken within twelve weeks from today. The learned Advocate for the petitioners submits that a direction may be issued that the decision should be taken by respondent No. 2 within twelve weeks.

5. We are of the view that disputed questions as regards whether the project has been completed or not, whether the work is in accordance with the norms or whether inferior quality of work has been performed, would not fall within the realm of the extra-ordinary writ jurisdiction of this Court under Article 226 of the Constitution.

6. In view of the above, these petitions are disposed off. It is expected that respondent No. 2 would consider the pending reports with regard to the sanction and disbursement of the payments of these petitioners - Grampanchayats and after conducting a scrutiny of the matters, would pass an order on or before 30th day of November 2020. We have not expressed any opinion on the merits of the claims of the petitioners.

(SHRIKANT D. KULKARNI, J.)

(RAVINDRA V. GHUGE, J.)