

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

WRIT PETITION NO. 7618 OF 2019

Mangal Rajendra Rokade

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Shrikrashna B. Solanke, Advocate for the Petitioner.

Mr. P. S. Patil, Addl. G. P. for Respondent Nos. 1 to 3.

Mr. Avinash D. Aghav, Advocate for Respondent No. 4.

Smt. M. S. Mhase-Thube h/f Lex Aquila, Advocate for Respondent No. 5.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 12th FEBRUARY, 2020.

PER COURT:-

. Mr. Solanke, learned counsel for the petitioner submits that the petitioner has deposited amount of Rs. 4,50,000/- (Rupees Four Lakh Fifty Thousand only) in the year 2013 for the pipeline. The Grampanchayat has shown it's readiness to give 14 water connections to the petitioner on deposit of the said amount. The resolution was also passed by the Grampanchayat on 29.11.2013. The learned counsel submits that the petitioner has deposited amount of Rs. 4,50,000/- (Rupees Four Lakh Fifty Thousand only) in three installments. In spite

of the payment of amount, no water connections were given to the petitioner and the water was not supplied, whereas various complaints are filed. The petitioner has approached the District Consumer Disputes Redressal Forum. The complaint is rejected for want of jurisdiction. The learned counsel submits that as the respondents failed to give water connections, the amount of Rs. 4,50,000/- (Rupees Four Lakh Fifty Thousand only) be refunded with interest.

2. Ms. Thube, learned counsel for respondent / Grampanchayat submits that the petitioner did not comply with further requirements as per law for providing the connections. The petitioner instead of complying with further requirements started demanding refund of amount i.e. already expended. The water connection is already given to the petitioner. For further connections the petitioner is required to comply with the statutory requirements and upon compliance of the same, the requisite connections will be given to the petitioner.

3. There is word against the word. The matter would involve disputed questions of fact. It would not be possible to decide the said dispute in the writ petition.

4. In the light of that, the petitioner is at liberty to avail the remedy

before the appropriate Court for redressal of his grievance. In that event, all contentions of the parties are kept open. Writ petition, as such is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.