

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

WRIT PETITION NO. 11409 OF 2019

Balasaheb Janardan Murdare .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Narayan B. Narwade, Advocate for the Petitioner.
Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 4.
Shri Amol K. Gawali, Advocate for the Respondent No. 5.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.
DATE : 29TH JANUARY, 2020.**

FINAL ORDER :

. We have heard Mr. Narwade, the learned advocate for the petitioner, the learned Assistant Government Pleader for respondent Nos. 1 to 4 and Mr. Gawali, the learned advocate for the respondent No. 5.

2. Considering the affidavit filed by respondent Nos. 2 to 4, we do not think it appropriate to entertain the writ petition on merits. Para Nos. 14 and 15 of the affidavit in reply reads thus :

“14. I say and submit that, the State Government has issued a Circular on 17.9.2019 whereby in case of complaint received from the elected public representative, a report should be forwarded to the Additional Chief Secretary, PWD, Mantralaya, Mumbai who would be empowered to take

decision on such complaint.

15. I say and submit that, considering the Circular dated 17.09.2019, a report was prepared by the answering respondent no. 3 and forwarded to the respondent no. 4 who in turn has forwarded the same to the Additional Chief Secretary, PWD, Mantralaya, Mumbai as per requirement of the Government Circular dated 17.9.2019.”

3. As the complaint is already subjudice before the Additional Chief Secretary, P. W. D. and he is empowered to consider the complaint as per the circular dated 17.09.2019, it will be for the said authority to decide the complaint.

4. In the light of the above, we dispose of the writ petition. The Additional Chief Secretary to whom the report is forwarded shall take decision in accordance with law, on its own merits. Considering the nature of the work that is stalled on account of decision not taken, the respondent No. 1 shall take decision expeditiously and preferably within a period of six (06) weeks from today. All contentions of parties are kept open. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

bsb/Jan. 20