

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

WRIT PETITION NO. 6254 OF 2021

Dnyaneshwar Murlidhar Sabane .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri R. N. Dhorde, Senior Advocate i/by Shri Yuvraj V. Kakde,
Advocate for the Petitioner.

Shri D. R. Kale, Incharge G.P. for Respondent Nos. 1 and 2.

Shri Mahesh S. Deshmukh, Advocate for the Respondent No. 3.

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

DATE : 04TH MAY, 2021.

FINAL ORDER :

. Mr. Dhorde, the learned senior advocate for the petitioner submits that, the respondent is proceeding ahead with the tender process for the work as detailed. The petitioner is a councillor. Along with other councillors complaint has been made to the Collector that without obtaining administrative sanction from the Collector, the Municipal Council is proceeding ahead with the work. Same is improper and not in consonance with the Government Resolution dated 08.11.2010. The learned senior advocate further submits that, without obtaining administrative sanction from the Collector, the respondent No. 3 cannot proceed further with the work and issuance of tender.

2. Mr. Deshmukh, the learned advocate for the respondent No. 3 submits that, under the scheme as detailed under Government Resolution dated 08th November, 2010 administrative sanction is not necessary to be obtained from the Collector. The funds are to be distributed by the office of the Collector. Same has been done. The learned counsel in alternate submits that, by way of abundant precaution, the respondent No. 3 also approached the Collector for administrative sanction. The said proposals were considered by the Collector while disbursing the amount as per letter dated 31.03.2021.

3. The learned Incharge Government Pleader submits that, it is necessary for the Municipal Council to obtain administrative sanction. Administrative sanction is not obtained by the respondent No. 3. All other municipal councils have obtained administrative sanction. Though the amount is distributed administrative sanction is required to be obtained from the Collector. The learned A. G. P. on instructions submits that, the Collector would take decision for grant of administrative sanction on the proposal of the respondent No. 3 within a period of two (02) weeks. The said statement of the learned A. G. P. is accepted.

4. The respondent No. 3 may proceed further with opening of technical and financial bids, however, shall not take final decision with regard to issuance of work order till the decision is taken by the Collector for grant of administrative sanction on the

proposal of the respondent No. 3. The respondent No. 3 may take further steps in tune and in consonance with the decision that would be taken by the Collector on the proposal of the respondent No. 3 for grant of administrative sanction.

5. With these observations writ petition is disposed of. No costs.

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

bsb/May 21