

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

WRIT PETITION NO.7994 OF 2021

SATISH MANIKRAO SAKHARE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER..RESPONDENTS

...

Mr. S. S. Thombre, Advocate for the Petitioner.

Mr. A. R. Kale, AGP for Respondents-State.

Mr. P. D. Suryawanshi, Advocate for Respondent
Nos.3 and 4.

...

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 02nd DECEMBER, 2021.

PER COURT:-

1. We have heard Mr. Thombre, learned counsel for the petitioner, learned A.G.P. and Mr. Suryawanshi, learned counsel for respondent-Zilla Parishad.

2. On 26.07.2021 we had issued notice to respondent and had observed that, it is only if the amount as claimed by the petitioner is not disputed then only we will entertain the petition.

3. Affidavit is filed by the In-charge Executive Engineer, Rural Water Supply Department, Zilla Parishad, Beed stating that, in the audit report for the year 2015-16 objection is raised about over payment made to the petitioner and the

amount recoverable from the petitioner and the issue of over payment is pending before the Panchayat Raj Committee and not yet finalized. Only 10% amount is withheld by the Zilla Parishad.

4. The affidavit of the State does not unequivocally accept the payment to be made, however, is with rider about the pendency of the matter with the Panchayat Raj Committee. The affidavit of the Zilla Parishad also states the same fact.

5. In view of that, it would not be possible to direct the respondent to pay the amount to the petitioner as claimed by the petitioner. The petitioner is at liberty to take appropriate steps. The petitioner may approach the Panchayat Raj Committee where the matter is pending. It is for the Panchayat Raj Committee to take decision or submit the report as claimed by the respondents.

6. In case the matter is pending with Panchayat Raj Committee, then they may take decision or forward the report preferably within a period of three months.

7. Writ Petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE