

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

WRIT PETITION NO. 8669 OF 2021

**MIRZA AYAZ BAIG MIRZA IQBAL BAIG
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner: Mr. Y. V. Kakade

I/c. G.P. for Respondents No. 1 to 3:

Mr. D. R. Kale

Advocate for Respondent No. 4: Ms. Usha P. Kale

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

DATE: 20th AUGUST, 2021

PER COURT:

1. Mr. Kakade, learned Advocate for the petitioner submits that work that was already completed pursuant to the tender of 2016 is again sought to be allotted pursuant to the present tender notice. The same is waste of public money and the State largesse. The learned Advocate submits that in the year-2018, the third party inspection report suggests that the work has been completed. The construction of STBT road and the work is found to be satisfactory. In the year-2016 the work of road from Shivaji Karpe to Shrikant

Kulkarni's house was completed. The payment was also made for the same work and now again the same work is sought to be undertaken. The same is illegal. The learned Advocate relies upon the photographs and the report of the third party to substantiate his contention.

2. The learned Advocate for the Municipal Council suggests that in the year-2016 the work of the construction of the STBT road and drainage line from the house of Shivaji Karpe to the house of the Shrikant Kulkarni was proposed under the District Level Nagarothan scheme. The cost of the said work was Rs. 40,27,308/-. Now the repair works have to be done. The Bituminous Macadam Layer has to be laid on the STBT road to give strength and smoothness to the road. The same work is not being redone.

3. We have considered the submissions canvassed by the learned Advocates for respective parties.

4. The technical sanction to the said work has been granted by the Public Works Department. Thereafter, administrative sanction has also been granted by the Collector. The technical sanction for the said work has been granted on 15.11.2019. The petitioner claims to be the Member of the Municipal Council.

5. The experts only would be in a better position to dwell on the said aspect. The technical sanction has been granted by the Public Works Department. The administrative sanction was granted by the Collector. The presumption would be that they have considered all the aspects and the situation on the site.

6. Writ Petition as such is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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