

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

40 WRIT PETITION NO. 2633 OF 2022

JAYMANGAL BHANUDAS JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Sudarshan J. Salunke
Addl. GP for Respondents: Mr. S.B. Yawalkar
...

**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 28th FEBRUARY, 2022

PER COURT :-

1. Mr. Salunke, learned counsel for petitioner submits that administrative sanction was granted. The Zilla Parishad was designated an implementing agency. E-tenders were also sought to be issued. Abruptly, respondent - authority changed the implementing agency and work is sought to be allotted through respondent No. 3. The learned counsel relies upon the Government Resolution dated 30th March, 2021 and contends that without permission of the local authority no work can be proceeded further. In the present petition, no objection from the Zilla Parishad is not obtained. Certainly, the mandate is violated.

2. The learned AGP submits that on 24th February, 2022 the work order for some work has been issued and today the order has been issued for some works. The work is to be completed within two months.

3. 'Salus Populi Suprema lex' (welfare of the people is paramount consideration) is the rule. The works involved are public works. At this stage, if the works are stalled that would not be in the interest of the public at large.

4. The works are also to be completed within two months. The question relating to funds also would arise.

5. The contention of the petitioner is that Zilla Parishad ought to have been permitted to continue with the works and the change in implementing agency is unwarranted.

6. The change in implementing agency is under the letter of Minister. If implementing agency has to be changed, the reasons has to be recorded. It cannot be at the whims and fancis. However, works are already allotted and entertaining the petition at this stage would result in delay of the public works. In view of that, we are not exercising our writ jurisdiction.

7. Writ petition is accordingly disposed of. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE