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

PUBLIC INTEREST LITIGATION NO. 31 OF 2021

Vikas Vikram Jogdand

... Petitioner

Versus

The State of Maharashtra and others

... Respondents

.....

Mr. Prasanna D. Dadpe, Advocate for the Petitioner

Mr. D. R. Kale, Government Pleader for Respondent Nos. 1
and 2

Mr. G. K. Thigle (Naik), Advocate for Respondent No.3

.....

**CORAM : DIPANKAR DATTA, CJ AND
N. B. SURYAWANSHI, J.**

DATE : FEBRUARY 17, 2022.

PER COURT :

1. This Public Interest Litigation petition dated 6.3.2021 was instituted seeking the following relief: -

“B. Record in respect of ‘Special Financial Aid’ and ‘Lokshahir Annabhau Sathe Dalit Wasti Scheme’ and works sanctioned under the said schemes within the territorial limits of Beed Municipal Council for the year 2019 to 2021, may kindly be called for;

C. By issuing writ of certiorari or any other writ, order, or direction in the like nature, this Hon’ble Court may kindly be pleased to quash and set aside the Order

dated 23.02.2021 passed by the Additional Secretary, Maharashtra State, Urban Development Department, (Exh. 'I') and Oral Order dated 02.02.2021 issued by the Ld. Minister for Social Justice and Special Assistant, and the Guardian Minister for District Beed, issued in the meeting dated 02.02.2021; and the consequential communication dated 02.02.2021 issued by the Ld. District Collector (Exh. 'J');

D. This Hon'ble Court may kindly be pleased to direct the Respondent No. 1 not to transfer back the funds allocated to Beed Municipal Council for executing the works under 'Special Financial Aid' and 'Lokshahir Annabhau Sathe Dalit Wasti Scheme'; and if the funds are already taken back, the Respondent No.1 may kindly be directed to make those funds available to Respondent No.3 for executing the works under question."

2. During pendency of this Public Interest Litigation petition, an independent writ petition (Writ Petition No. 6421 of 2021) was instituted before this Court seeking the following relief: -

"A. To hold and declare clause 5 of the Government Resolution dated 17.11.2017 issued by the Urban and Development Department (Exhibit "A") is ultra-vires Article 14 and 243W of the Constitution of India;

B. To hold and declare that clause 10(f) of the Government Resolution dated 05.03.2002 (Exhibit

“B”) as inserted by Government Corrigendum dated 12.08.2015 (Exhibit “C”) is ultra-vires Article 14 and 243W of the Constitution of India;

C. To quash the impugned order dated 23.02.2021 appointing Public Works Division, Beed in the place of Municipal Council, Beed as the implementing agency for executing the works under “Vaishishthyapurn Yojana” issued by the Under Secretary, Urban Development Department by issuing a writ of certiorari or any other appropriate writ, order or direction, as the case may be;

D. To quash the decision of the District Level Committee under the chairmanship of the Guardian Minister appointing the Public Works Division, Beed in place of Municipal Council, Beed as an implementing agency for execution of the works under “Nagari Dalit Wasti Sudhar Yojana 2020-2021” taken in the meeting held on 02.02.2021 as communicated vide letter dated 02.02.2021 issued by the Collector, Beed (Exhibit “O”) by issuing writ of certiorari or any other writ, order or direction as the case may be;”

3. By an order dated 26.11.2021, a co-ordinate Bench of this Court has disposed of Writ Petition No. 6421 of 2021 without interfering with the order impugned dated 23.2.2021 quashing whereof was specifically prayed for vide prayer clause “C”. Although the Bench noticed certain infirmities in the process of decision making, it distanced itself from

interference bearing in mind that the subject works have been undertaken for the welfare and benefit of the public at large and that any interference would delay such work.

4. We have read the order dated 26.11.2021 passed in Writ Petition No. 6421 of 2021 and see no reason to take a different view. Any interference, thus, is not called for.

5. This Public Interest Litigation petition stands disposed of. No costs.

(N. B. SURYAWANSHI, J.)

(CHIEF JUSTICE)