

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7634 OF 2022

RAVINDRA BALASAHEB ASANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.M.A.Dond, Advocate for the petitioner.
Mr.S.G.Karlekar, AGP for the respondent/State.
Mr.S.B.Parnere, Advocate for respondent Nos.3 to 6.

(CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.)

DATE : SEPTEMBER 12, 2022

PER COURT :

1. The petitioner has put forth prayer clause B, C and D as under :-

"B. By issue of writ of mandamus or any other appropriate writ, the tender notice No. ZP/RWS/JJM/...../2021-2022 issued by the respondent No.2 may kindly be stayed.

C. By issue of writ of mandamus or any other appropriate writ, the respondents may kindly be directed to place the proposal for the scheme before the Gram Sabha for their consideration.

D. Pending hearing and final disposal of this writ petition, the respondents No.2 and 5 may kindly be directed to take the concern of the gram sabha regarding the original source of the impugned pipeline project and until then the respondent authorities may kindly be restrained from continuing with the said project."

2. The petitioner claims to be a villager from Village Malwadgaon, Tal.Shrirampur. According to him, the Gramsabha passed resolutions on 25.02.2019 and 10.06.2019, unanimously deciding to cancel the Bhalerao Tail Storage Tank as the original source.

3. We find that the Gram Panchayat, Malwadgaon was already before us in WP No.6695/2020. By order dated 03.02.2021, this Court (Coram : S.V.Gangapurwala and S.D.Kulkarni, JJ.) passed an order on 03.02.2021, which reads as under :-

"1. Heard Mr.Kale, learned Counsel for the petitioner and the learned AGP for respondent No.1 and the learned counsel for the respondents No.2 to 5.

2. Upon hearing the learned counsel for the petitioner and perusing the affidavit filed by respondent Nos. 2 to 5, it appears that the respondents have now decided to go ahead with the water supply scheme, as was sanctioned and for which the tender was issued. The work order is already issued to the tenderer and the communication has been made to him on 25.01.2021 to start and proceed with the tender work.

3. As the scheme pertains to supply of the potable water, all the agencies concerned and involved would see to it that the work is completed as expeditiously as possible; so that the villagers would get the minimum basic amenity of drinking water. The authorities shall supervise and monitor so that no unnecessary delay is caused in

completion of the project.

4. Writ petition is disposed of. No costs."

4. In view of the above, we can not entertain a petition filed by a single villager when it appears that the Gram Panchayat has already taken a decision. In these circumstances, this petition is dismissed.

5. The learned Advocate for the petitioner submits that certain resolutions have been passed by majority by the Gramsabha and the Sarpanch has not abided by the said resolution. We leave this dispute open to be dealt with by resorting to a remedy as is permissible in Law.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)