

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

WRIT PETITION NO.606 OF 2022

**YUVA SUSHIKIT BEROJGAR SANSTHA PRESIDENT
DEVCHAND S. BANKAR AND SECRETARY
VERSUS
THE STATE OF MAHARASHTRA THR GP HIGH COURT OF
JUDICATURE BOMBAY BENCH AT AURANGABAD AND
OTHERS**

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Advocate for the Petitioner : Shri More Sagar J.
AGP for the Respondents/ State : Shri S.G. Karlekar

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**CORAM : RAVINDRA V. GHUGE
&
ANIL L. PANSARE, JJ.**

DATE :- 22nd June, 2022

Per Court :-

1. By this Writ Petition, the petitioner, which is styled as “Yuva Sushikshit Berojgar Sanstha”, has put forth prayer clauses B and C as under :-

“B) That the direction may given to government and municipal corporation Aurangabad to release fund of Rs.1,15,64,148/- to the petitioner.

C) That, the writ of mandamus or any other appropriate writ of direction may kindly be given to respondents to pay entire amount of work to the petitioner total amount of Rs.1,15,64,148/- as early as possible within stipulated period with interest.”

2. From the pleadings in the petition, we find that the petitioner claims to have been given certain project works under the “Maharashtra Sujal Va Nirmal Abhiyan” for the purposes of providing separate lavatories and individual water tap connections to the scheduled caste and scheduled tribe community from the urban and rural areas. The Municipal Corporation invited the tenders and the work was given to the petitioner. The grievance is that the amount of Rs.1,15,64,148/- has still not been paid despite the preparation of the DPR project. The amount sanctioned for the DPR project was Rs.27,27,36,000/- and the petitioner was entitled to receive 6% of the above sum. He has received Rs.48,84,443/-.

3. We are of the view that since it would be necessary to assess as to which type of work was allotted to the petitioner, whether, those works were completed, whether, the project report would indicate any deficiency, whether, there is any discrepancy in the amount to be paid, etc., such disputed issues cannot be gone into, in our extraordinary jurisdiction under Article 226 of the Constitution of India.

4. The learned advocate for the petitioner submits that this Court may grant liberty to the petitioner to prefer a recovery

suit against the Municipal Corporation and the petitioner would avail of such legal remedy.

5. In view of the above, this Writ Petition is disposed off. The petitioner would be at liberty to avail of the legal remedy as is permissible in law. All contentions of the petitioner are kept open.

kps (ANIL L. PANSARE, J.) (RAVINDRA V. GHUGE, J.)