

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

WRIT PETITION NO.1353 OF 2023

**GRAMPANCHAYAT DAHEGAON THROUGH ITS SARPANCH
SURYABHANPANDURANG JADHAV AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS**

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**Advocate for Petitioners : Mr. S.S. Thombre
AGP for Respondents: Mr. S.J. Salgare.**

**CORAM : MANGESH S. PATIL
& S.G. CHAPALGAONKAR, JJ.**

DATE : 3 FEBRUARY 2023

P.C.:-

The petitioners, who are Gram Panchayats, are seeking the following reliefs :-

“(B) By issuing a writ of mandamus/certiorari, orders, directions or any other appropriate in the like nature, the impugned Work Order dated 27.12.2022 issued by Chief Executive Officer, Zilla Parishad, Parbhani & Executive Engineer, Rural Water Supply Department, Zilla Parishad, Parbhani for implementing water supply scheme at villages Dahegaon and Korwadi, Tq. Jintur, District Parbhani, under Jal Jeevan Mission (JJM) 2021-22, may kindly be quashed and set aside..”

2. As can be seen from the entire contents of the writ petition, the petitioner Gram Panchayats are apparently aggrieved by the fact that though the scheme as declared by the State Government on 4th September, 2020, inter-alia, expects a resolution of the Gram Panchayat for paying contribution as is mentioned in clause (9), the work of the Water Supply Project has been undertaken by the Zilla Parishad and even tender has been floated.

3. The learned advocate for the petitioner submits that without there being resolution by the Gram Panchayats, expressing its willingness to contribute, the work ought not to have been undertaken. He would also submit that as per this decision dated 4 September, 2020, modalities for implementation of the scheme have been laid down. The contribution of the gram panchayat concerned is contemplated under the scheme and without its consent and contribution the scheme ought not to have been proceeded for execution.

4. It does appear that in order to implement the scheme styled as Functional Household Tap Connections in the Rural Areas, the government decision dated 4 September 2020 lays down various aspects, right up to handing over the project to Gram Panchayat. It is also apparent that the Gram Panchayat is supposed to contribute on the basis of either public donations or in the form of undertaking voluntary work. It appears that this can happen only after the Gram Panchayat passes a resolution, which is stated to be not passed by the petitioner Gram Panchayats.

5. We are taken aback by the stand being taken by the petitioner Gram Panchayats. They apparently are only interested in stalling the public work. Nothing otherwise has been stated about any stand being taken by the Gram Panchayats independently, by ascertaining the wish of the villagers. Nothing has been mentioned in the petition about even the subject of implementation of the scheme has either been taken on the agenda, discussed and decided. If it is a matter of water supply scheme, whereby, the intention is to provide tap water to every household, if one intends to think indifferently, the Gram Panchayats should not have any objection for the betterment of the villagers.

6. As far as the contribution of the Gram Panchayat is concerned, true it is that the communication dated 04.01.2023, which the learned advocate for the petitioners tenders across the bar, indicates that neither of the Gram panchayats has passed any resolution regarding contribution to be collected from the villagers. If inspite of scheme requiring some contribution from the villagers still if the scheme is being implemented, the Gram panchayat should be happy. For the time being, merely on the ground that, it has not passed any resolution, the petitioner/Gram Panchayats cannot be allowed to stall the public project.

7. Conversely, it is also not indicated anywhere as to whether the proposed scheme is necessary for the villagers or otherwise and the subject has been objectively considered by the gran panchayats.

8. As far as floating of the tender is concerned, even the Government decision dated 4 September 2020 expressly provides that

the scheme is to be implemented by floating tenders.

9. We see no merit in the petition. It is dismissed.

[S.G. CHAPALGAONKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

grt/-