

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

921 WRIT PETITION NO.1357 OF 2023

**SHAIKH AFSAR NAWABODDIN
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS**

...

Advocate for Petitioner : Mr. D.P. Palodkar i/by.

Mr. Shaikh Tarek Mobin H.

Government Pleader for Respondent – State : Mr. D.R. Kale

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**CORAM : NITIN W. SAMBRE AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 21-03-2023

PER COURT :

. The petitioner who is the former President of the respondent no. 3 – Municipal Council, Ausa, has sought directions from this Court to the respondent nos. 1 and 2 to disburse the fund as was sanctioned vide Government Resolution dated 29.03.2022, by the end of March–2023. The petitioner has also sought other ancillary reliefs in the matter based on the said decision.

2. Learned counsel Mr. Palodkar appearing for the petitioner would urge that the Resolution passed by the Government of Maharashtra dated 28.03.2022 states that, the works to be carried out and recommended by the District Level Committee would be approved by the State Government. For the development of works so approved by the Government, the Government was to make available

funds at its level and the Collector was authorised to take further steps in the matter.

3. According to Mr. Palodkar, in spite of the fact that the fund was already sanctioned by the Government, the same is not being released and as a sequel, the development works could not be executed.

4. If we appreciate the aforesaid submissions, we do not see any legal right in the petition seeking such relief in the matter as it is for the Government to decide the priorities in the matter of releasing and spending the funds for the developmental works. Apart from above, the petitioner has not brought to our notice any such decision of the Government which is adverse to the interest of the respondent - Municipal Council, Ausa, whereby the works allegedly stated were cancelled without citing any reasons.

5. As such, it cannot be inferred at this stage that the Government has any intention to stop the developmental works by not releasing the funds. No case is made out for discretionary relief. The petition stands dismissed.

(S.G. CHAPALGAONKAR, J.)

(NITIN W. SAMBRE , J.)