

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

23 WRIT PETITION NO.1721 OF 2023

THE GRAM PANCHAYAT CHAUSALA THROUGH ITS MEMBER PRAKASH  
KANTARAO CHAUDHARE  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

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Advocate for Petitioner : Mr. Nagarsoge Sahebrao A.  
AGP for Respondents/State : Mr. S. J. Salgare

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

DATE : 13.02.2023

PER COURT :

Heard.

2. The petitioner who is a member of a Grampanchayat authorized by it by passing a resolution to file a petition is questioning the propriety of the implementation of the water supply scheme as is being proposed at the estimated cost of around Rs. 5 Crores.

3. The petitioner's grievance is that pursuant to the need of the villagers which would cater up to the year 2050, a request was made to undertake a review. The work was assigned to a company and after reviewing the scheme it has proposed implementation of the scheme at the estimated cost of around Rs. 12 Crores.

4. It is *ex facie* a matter of policy decision. Depending upon the budgetary provision and the money available with the respondents if they have worked out a water supply scheme to be implemented within that limit, merely seeking its review would not suffice. With whatever funds those are at the disposal of the respondent if they are going ahead with the

implementation of the scheme, one need not and cannot go into the aspect of its feasibility in the sense as to whether it would cater to the needs of the villagers for a particular duration. The villagers may want it to be full proof so that it would cater to their needs for a longer duration but all it depends upon the money available with the respondents.

5. There is nothing on the record to demonstrate that the decision to go ahead with the original scheme at the estimated cost of around Rs. 5 Crores is prompted by any arbitrariness or *mala fides*. At least there are no such allegations.

6. This Court in exercise of powers under Article 226 of the Constitution of India has inherent limitations. This Court seldom enters into the matters of policy decision. There is no merit in the petition. It is dismissed.

( S. G. CHAPALGAONKAR, J.)

(MANGESH S. PATIL, J.)

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