

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

927 WRIT PETITION NO.3534 OF 2023

GRAM PANCHAYAT MATORI THROUGH ITS SARPANCH DURGA DEVIDAS
SHINDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

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928 WRIT PETITION NO.3535 OF 2023

GRAM PANCHAYAT MATORI THROUGH ITS SARPANCH DURGA DEVIDAS
SHINDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

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929 WRIT PETITION NO.3536 OF 2023

GRAM PANCHAYAT MATORI THROUGH ITS SARPANCH DURGA DEVIDAS
SHINDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

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930 WRIT PETITION NO.3537 OF 2023

GRAM PANCHAYAT MATORI THROUGH ITS SARPANCH DURGA DEVIDAS
SHINDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

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Advocate for Petitioner : Mr. S. S. Kulkarni
AGP for Respondents/State: Mr. S. G. Sangle

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

DATE : 28.03.2023

PER COURT :

1. The respondent/authorities while implementing the scheme viz. Babasaheb Ambedkar Social Development Scheme pursuant to the

sponsorship provided by the member of Maharashtra Legislative Assembly sanctioned works at Sr. Nos.119 to 122 at the cost of Rs.40 Lakhs to be executed in the jurisdiction of the petitioner/Village Panchayat. Vide Corrigendum dated 24th June, 2022, the said works from Sr. Nos.119 to 122 were cancelled and substituted with the work to be executed with some other Gram Panchayat. As such, this petition.

2. The submissions of the counsel for the petitioner/Village Panchayat are that respondent No.6 is a Contractor, who is presently authorized to execute the work in question by the aforesaid Corrigendum and the earlier contractor was changed without there being any justifiable reason. In addition his contentions are, the works at Sr. Nos.119 to 122 which are to be executed within the jurisdiction of petitioner/Village Panchayat are cancelled and the works are diverted to other places without there being any notice or hearing to the petitioner. Drawing support from the Division Bench judgment of this Court in the matter of **Gram Panchayat & Ors. Vs. The State of Maharashtra and Ors.** reported in **MANU/MH/1158/2018**, he would urge that respondents/authorities, are the trustees of the powers vested in them and as such in discharge of such trust reposed in them, the authorities are expected to conduct themselves in a best possible manner in discharge of their primary duty which according to him, is absent in the case in hand. As such, he would urge that the order impugned is liable to be quashed and set aside and the respondents should be directed to execute the works as were earlier approved at Sr. Nos.119 to 122 vide order dated 24th May, 2022.

3. Learned AGP would oppose the prayer and submit that there is no vested right created in the petitioner to urge that the execution of work has to be within the jurisdiction of the petitioner.

4. We have appreciated the said submissions.

5. It appears that the State Government has granted administrative approval vide order dated 24th May, 2022 and in the said administrative approval, the works to the extent of Sr. Nos. 119 to 122 were to be executed within the area of petitioner/Village Panchayat. Grant of such administrative approval does not create any statutory or absolute right in favour of the petitioner to claim the relief against the respondents, thereby invoking the doctrine of promissory estoppel.

6. It is always open for the executing authority to decide the priority in the matter of execution of developmental work and in such an eventuality, it will be inappropriate for us to cause any indulgence in the matter in question.

7. As regards the change of contractor is concerned, in our opinion, whether the work is executed by 'A' contractor or 'B' contractor within the jurisdiction of any public authority will be hardly causing any prejudice to the petitioner particularly when the agency to be selected for execution of the work is within the ambit and power of the respondents. As long as the work is executed quality wise and in accordance with the work order, the petitioner should not have any grievance in the matter.

8. In that view, it cannot be said that the petitioner has any statutory right or otherwise to claim relief in the matter.

9. Apart from above, support drawn in the matter of **Gram Panchayat & Ors. Vs. The State of Maharashtra and Ors.** (*Supra*) will be of hardly any assistance as in the case in hand, what has been granted is only administrative approval and not the transfer of funds which was the case in the aforesaid matter.

10. That being so, no case for showing indulgence is made out. The petitions as such stand dismissed.

11. The issue involved in all the four petitions is identical.

12. For the purpose of convenience, the facts of Writ Petition No.3534/2023 are taken into account for deciding the issue.

13. However, the dismissal of the petitions will not come in the way of the petitioners to pursue their claim with the State Government.

(S. G. CHAPALGAONKAR, J.)

(NITIN W. SAMBRE, J.)

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