

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 CIVIL APPLICATION NO.5820 OF 2023
IN PIL/29/2022 WITH WP/4359/2022 WITH CA/5822/2023 IN
PIL/29/2022 WITH CA/5821/2023 IN PIL/29/2022 WITH
CA/5823/2023 IN PIL/29/2022 WITH CA/5824/2023 IN PIL/29/2022
WITH CA/5827/2023 IN PIL/29/2022 WITH CA/5826/2023 IN
PIL/29/2022 WITH CA/5825/2023 IN PIL/29/2022 WITH
CA/5830/2023 WITH PIL/29/2022

THE GRAMPANCHAYAT RAKSHABHUVAN SHANICHE THROUGH
THE GRAMSEVAK RAMDHAN RAGHUNATH JATHAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY
AND OTHERS

...
Advocate for Applicant : Mr. A.R. Tapse
AGP for Respondent Nos. 1 and 2: Mr. S.G. Karlekar
Advocate for Respondent Nos. 3, 4, 6 to 16 : Mr. P.D. Suryawanshi
Advocate for petitioner in PIL: Mr. M.V. Salunke h/f Mr. V.D. Salunke
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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 28th APRIL, 2023.**

PER COURT :-

1. All these Grampanchayat entities, applicants herein, seek the leave of this Court to release the payment for the work done under the scheme "Dalit Vasti Sudhar Yojana". It is pointed out that this Court has passed an order on 02/05/2022, in Writ Petition No.4359 of 2022, more particularly paragraph No.13, vide which, the Grampanchayat that may propose to release funds in respect of the completed works, allotted for the financial year 2021-2022, would be at liberty to do so, only after seeking permission of this Court.

2. The learned Advocate representing the Public Interest

Litigation petitioner as well as the writ petitioner, submits that the proceedings before the Court are not adversarial litigation. The PIL has been filed to ensure that there is uniformity in the allotment of funds to the various Grampanchayats for performing the works that are required under the 'Dalit Vasti Sudhar Yojana'. So also, the object of preferring the PIL, which is appreciated by this Court, is that the money should not fall in the wrong hands and there should not be over expenditure or expenditure on works which have not been completed. Several other issues have also been raised in the PIL.

3. The learned Advocates for the Grampanchayat – applicants, specifically submit on the basis of their pleadings that the Grampanchayats are seeking permission of this Court to release funds for making payments to those entities who have already completed the work allotted to them and have also been given completion certificates by the Grampanchayat upon due scrutiny and verification.

4. The learned Advocate for the petitioner in PIL submits that, there is a possibility that an issue with regard to the quality of the work done, may crop up as this Court would consider the PIL. She, therefore, suggests that the Grampanchayat should device a mechanism to ensure that, if excess amounts are paid or if amounts are wrongfully paid, the said amounts should be returned to the Grampanchayat.

5. In view of the above, **these civil applications are allowed** with the following directions :-

- (A) The Block Development Officers of the concerned Panchayat Samiti(s) shall once again carry out a verification of the amounts to be released.
- (B) Amounts will be released to those entities who have been granted completion certificate by the Grampanchayat.
- (C) Needless to state, if any of these completion certificates are subsequently noticed to be defective or having been granted without due verification, the concerned Executive Engineer/ Authority which has issued the completion certificates, would be held solely liable.
- (D) Those entities who are being disbursed amounts by the Grampanchayats under this order, shall tender an affidavit undertaking that, if the said entity is found to have received excess amounts or wrongfully received the amounts, such amounts shall be redeposited with the Grampanchayats within eight weeks from the date of such order, either passed by this Court or by the Zilla Parishad Authorities.
- (E) Needless to state, unless a completion certificate is issued

by the concerned Grampanchayat / Zilla Parishad / Authority after due verification, no payments would be released to such particular entity.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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