

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

905 WRIT PETITION NO.7194 OF 2023

YOGITA SANJAY SANAP
VERSUS
THE CHIEF EXECUTIVE OFFICER AND OTHERS

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Advocate for Petitioner : Mr. Vaibhav B. Kulkarni
AGP for respondent/State : Mr. V. M. Kagne
Advocate for Respondent Nos. 1 to 3 : Mr. P. P. Dama
Advocate for Respondent No. 4 : Mr. A. B. Kale

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**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.
DATED : 13th JULY 2023**

PER COURT : -

1. On 03.07.2023, we had passed the following order : -

“1. The Petitioner has put forth prayer clauses C, D and E as under :-

"C. By passing appropriate writ of certiorari or any other Writ or order or direction of like nature the impugned order / communication dated 23/24 May 2023, issued the Ld.Chief Executive Officer, Zilla Parishad, Jalna bearing outward No.Z.P.Jalna / Panchayat – 1/Establishment/Cr/2022/556/1800 and impugned order/ communication dated 25.05.2023 issued by the Ld.Block Development Officer, Class – 1, Panchayat Samiti Ambad bearing O/W No.Panchayat Samiti Ambad /Pancha-2/CR/2023/2071 may kindly be quashed and set aside.

D. By passing writ of Mandamus or order or direction of like nature, the Ld. Chief Executive Officer, Zilla Parishad, Jalna may kindly be directed to consider and enquire into the complaint dated 20.04.2023 (Exh.A filed by the present petitioner.

E. Pending hearing and fill final disposal of this writ petition the effect, implementation and execution of the

impugned order / communication dated 23/24 May 2023 issued by the Ld. Chief Executive Officer, Zilla Parishad, Jalna bearing outward No.Z.PJalna / Panchayat- /Establishment/Cr/2022/556/1800 and impugned order / communication dated 25.05.2023 issued by the Ld.Block Development Officer Class - 1 Panchayat Samiti Ambad bearing O/W No.Panchayat Samiti Ambad / Pancha-2/CR/2023/2071 may kindly be stayed."

2. Issue notice to the Respondents. The learned Advocate Mr.Dama waives service of notice on behalf of Respondent Nos. 1, 2 and 3 and the learned Advocate Mr.A.B.Kale waives service of notice on behalf of Respondent No.4.
3. List this petition on 13.07.2023 in the "Passing Orders Category". All office objections to be removed.

2. We have considered the submissions of the learned advocates of the respective sides. We have perused the order passed by the Chief Executive Officer, Zilla Parishad, Jalna, on 24.05.2023 directing the Block Development Officer, Panchayat Samiti, Ambad to carry out a proper inquiry, assess the work done and only after being convinced that the entire work is completed as per the norms and to the satisfaction of the authority that the remainder payment can be made to respondent no. 4 / agency. However, on the very next day, the Block Development Officer Class-I, directed the petitioner, without any inquiry, to make the payment to respondent no. 4 within ten (10) days, or face action.

3. In view of the above, **this petition is disposed off** with a direction to respondent no. 2 to follow the orders of respondent no. 1 and complete the enquiry as regards the completion of work as per the

norms and to the satisfaction of the authorities, within thirty (30) days from today. Thereafter, he would submit his report to respondent no. 1 within seven (07) days. Upon being convinced, he will prepare a report within seven (07) days thereafter and submit it to the petitioner with his instructions as regards payment to be made. Thereafter, the petitioner would either make the payment within fifteen (15) days or approach respondent no. 1 if she has any grievance, within the appeal/said period.

[Y. G. KHOBRAGADE]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE