

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

WRIT PETITION NO. 6805 OF 2023

The Gram Panchayat Hivrapahadi
Through its Sarpanch
Ashok Sitaram Shinde .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

AND

WRIT PETITION NO. 6821 OF 2023

The Gram Panchayat Kutewadi
Through its Sarpanch
Jayashri Ganesh Warekar .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

AND

WRIT PETITION NO. 6948 OF 2023

The Gram Panchayat Aherchincholi
Through its Sarpanch
Vikas Bhaskar Rakte .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

AND

WRIT PETITION NO. 7022 OF 2023

The Gram Panchayat Mulukwadi
Through its Sarpanch
Ramkisan Maroti Kadam .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

AND

WRIT PETITION NO. 7023 OF 2023

The Gram Panchayat Palwan
Through its Sarpanch
Tai Ashok Najan .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

AND
WRIT PETITION NO. 7032 OF 2023

The Gram Panchayat Mainda
Through its Sarpanch
Mathabai Bhagwan Dahiphale .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

AND
WRIT PETITION NO. 7034 OF 2023

The Gram Panchayat Ratnagiri
Through its Sarpanch
Shivani Kailash Ghallal .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Ankush N. Nagargoje, Advocate for the Petitioner in all matters.

Shri V. M. Kagne, Shri S. W. Mundhe, Shri P. K. Lakhotiya, Shri S. G. Karlekar, A.G.P. for the Respondent No. 1 in respective writ petitions.

Shri P. D. Suryawanshi, Advocate for the Respondent Nos. 2 and 3 in all matters.

CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRADE, JJ.
DATE : 27TH JUNE, 2023.

PER COURT :

1. The Zilla Parishad has entered an affidavit in reply dated

26.06.2023 under the signature of Sunildatta Bhagwat Dhabekar, Incharge Executive Engineer, Rural Water Supply Department, Zilla Parishad, Beed.

2. We have considered the submissions of the learned advocate for the petitioners, learned advocate representing the Zilla Parishad and the learned Assistant Government Pleaders for the respondent No. 1.

3. All these petitioners have approached this Court seeking a simple direction that the Jal Jeevan Mission which has been initiated with the participation of the Government of India and the State Government for supply of water to every resident of the village, should be commenced at the earliest for their villages.

4. The learned advocate representing Zilla Parishad informs us that the first tender was published on 14.03.2022. Since certain politicians complained, the respondent No. 2/C.E.O., Zilla Parishad, Beed cancelled the tender process vide order dated 10.06.2022 and published a fresh tender notice on 14.11.2022. A group of individuals approached this Court in Writ Petition No. 9182 of 2022 and connected matters which were dealt with by the order of this Court dated 12.09.2022. The request of the petitioners to have their representations decided, which were in the nature of seeking a review before the C. E. O., were referred to the said authority for decision. We are today informed that

the C. E. O. (Ajit Pawar) has not decided those matters. If this be so, it is obvious he has disobeyed the order of this Court.

5. One writ petition bearing Writ Petition No. 6411 of 2022 was filed before this Court. By order dated 10.08.2022, it was directed that the second tender shall not be finalized until further orders. The said matter came up for decision before this Court and by order dated 31.03.2023, this Court concluded, *prima facie*, that discriminative treatment was indulged in by the Zilla Parishad to favour certain contractors and policy of "pick and choose for cancellation of tenders wherein tenderers were perhaps not to the liking of the authorities" was ordered. We are informed that the C. E. O., Zilla Parishad tendered a communication dated 20.04.2023 before this Court informing that the second tender has been suspended and the earlier tender would be taken to its logical end. With such a statement made, this Court passed an order on 24th April, 2023 disposing off the petition along with other connected petitions as the grievance of the petitioners was redressed.

6. In view of the above, there is no option for the Zilla Parishad, but to proceed with the first tender from the stage at which it was kept in abeyance. A transparent and impartial procedure shall be followed. Considering the facts narrated before us in these petitions, we direct the Chief Executive Officer, Zilla Parishad, Beed that he would not be influenced by any pressure or by any telephonic calls made by any Peoples

Representatives and shall act impartially to take forward the first tender and ensure that the work orders are issued to the L-1 bidders and implement the Jal Jeevan scheme in the concerned villages. Same shall be completed within a period of sixty (60) days from today.

7. In view of the above, all **these writ petitions are disposed off.**

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

bsb/June 23