

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

**WRIT PETITION NO. 3187 OF 2022
WITH
CIVIL APPLICATION NO. 12586 OF 2022**

Gomukh Environmental Trust for
Sustainable Development through
Trust and Chairman

.. Petitioners

Versus

The Chief Engineer WR and others

.. Respondents

Shri Sudhir Patil, Advocate for the Petitioners.

Shri S. G. Bhalerao, Advocate for Respondent Nos. 1 to 3.

Shri S. G. Karlekar, A.G.P. for the Respondent Nos. 4 and 5.

**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 21ST JUNE, 2023.

PER COURT :

1. This petition has been circulated by Respondent Nos. 1 and 2 to bring it to the notice of this Court that the decision of the Standing Empowered Committee dated 01.11.2019, has been challenged in R.C.S. No. 265 of 2023.

2. The Petitioner has preferred this petition seeking a direction to the respondent (who has preferred R.C.S. No. 265 of 2023) to implement the said decision dated 01.11.2019, which is now subject matter of challenge before a competent Court.

3. As the decision which the petitioner desires to be enforced

under the order of this Court, has been subjected to a legal challenge in a suit before the competent Court, we are not exercising our writ jurisdiction to issue a direction that the said decision should be implemented, when it is actually challenged in a substantive proceeding.

4. In view of the above, this **petition is disposed off..** Needless to state all the contentions and rights of the litigating parties are kept open to be considered in the said suit, including the issue of delay/maintainability, as the case may be.

5. The pending **civil application** would not survive and **stands disposed off.**

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

bsb/June 23