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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3790 OF 2023
WITH
WRIT PETITION NO. 3829 OF 2023
WRIT PETITION NO. 3830 OF 2023**

Balasaheb Pandurang Patil

....Petitioner

V/s.

State of Maharashtra Thr. The Chief
Secretary and Ors

....Respondents

**AND
WRIT PETITION NO. 3968 OF 2023**

Sanjay Chandukaka Jagtap

....Petitioner

V/s.

State of Maharashtra and others

....Respondents

Mr. S. S. Patwardhan i/b Ms. Mrinal A. Shelar for the Petitioners in all
Petitions.Mr. N. K. Rajpurohit AGP for Respondent Nos. 1 to 3 in WP/3790/23,
3829/23 AND 3830/23Mr. Dilip Bodake a/w Ms. Shraddha Pawar for Respondent No. 4 in
WP/3830/23Mr. V. S. Gokhale 'B' Panel counsel for Respondent Nos. 1 to 3 in
WP/3968/23Mr. S. S. Aradhye a/w Ms. Gauri Velankar a/w Mr. Shantanu Gurav for
Respondent Nos. 4 and 5 in WP/3968/2023

**CORAM : R. D. DHANUKA &
GAURI GODSE, JJ.
DATED : 29 MARCH, 2023**

P.C. :-

1. Rule. Learned counsel appearing for Respondents waive service for
respective Respondents. Rule is made returnable forthwith. By consent of

the parties, all these Petitions are disposed of by a common order.

2. By these Petitions under Article 226 of Constitution of India, Petitioners seek a Writ of Certiorari for quashing and setting aside the impugned order, issued by Respondent No. 1 thereby suspending/stopping all development activities initiated by its predecessors-officers.

3. Mr. Parwardhan, learned counsel for the Petitioners relied upon an ad-interim order passed by this Court on 28.11.2022 in Writ Petition No. 9744 of 2022 in the case of *Belewadi Village Panchayat v/s. State of Maharashtra and Ors.*, and order dated 09.11.2022 passed by the Division Bench of Aurangabad Bench in Writ Petition No. 9421 of 2022 in the case of *Pooja Kalyan Sapate v/s. State of Maharashtra* and also judgment of the Supreme Court in *State of Haryana v/s State of Punjab, 2002 AIR(SC) 685*. He also placed reliance on the judgment delivered by Aurangabad Bench on 23.01.2023 in Writ Petition No. 10141 of 2022 in case of *Jayashree Nilesh Pawde and Ors. v/s. The State of Maharashtra and ors.* and submitted that in similar circumstances and after considering the stand taken by the State Government in the Affidavit-in-Reply that in certain cases, the suspension was withdrawn, this Court has quashed and set aside the impugned communication dated 20.07.2022. Learned counsel for the Petitioners also relied upon Judgment and Order of this Court dated 10th March 2023 passed in Writ Petition No. 2512 of 2023 along with other group matters.

4. Learned AGP appearing for the State was unable to distinguish the authorities relied upon by the learned counsel for the Petitioners. In our view, the ratio laid down by Aurangabad Bench of this Court on 23rd January 2023 in the case of *Jayashree Nilesh Pawde and Ors. Vs. The State of Maharashtra and Ors (Writ Petition No. 10141 of 2022)* as well as subsequent decisions of this Court relied upon by the learned counsel for the Petitioners, squarely applies to the facts of present case.

5. The Authority cannot be allowed to pick and choose the contracts for withdrawal of stay and to maintain stay in respect of the other projects though all the projects are part of the same budget issued by the Government which would lapse on 31.03.2023. We are not inclined to accept the stand taken by the State Government.

6. Accordingly we pass the following order.

(i) Writ Petition No. 3790/2023 is allowed in terms of prayer clause (A) which reads as under:

(A) That this Hon'ble Court be pleased to issue writ of certiorari or any other appropriate writ, order or direction in the nature of mandamus, thereby quashing and setting aside the orders dated 21st of July 2022 and 23rd of July 2022, issued by the Respondent No. 1 State, Exhibit B & C hereto.

(ii) Writ Petition No. 3829/2023 is allowed in terms of prayer clause (A) which reads as under:

(A) That this Hon'ble Court be pleased to issue writ of certiorari or any other appropriate writ, order or direction in the nature of mandamus, thereby quashing and setting aside the orders dated 21st of July 2022 and 23rd of July 2022, issued by the Respondent No. 1 State, Exhibit B & C hereto.

(iii) Writ Petition No. 3830/2023 is allowed in terms of prayer clause (A) which reads as under:

(A) That this Hon'ble Court be pleased to issue writ of certiorari or any other appropriate writ, order or direction in the nature of mandamus, thereby quashing and setting aside the order dated 6th of July 2022 issued by the Respondent No. 1 State, Exhibit B hereto.

(iv) Writ Petition No. 3968/2023 is allowed in terms of prayer clause (A) which reads as under:

(A) That this Hon'ble Court be pleased to issue writ of certiorari or any other appropriate writ, order or direction in the nature of mandamus, thereby quashing and setting aside the order dated 19th of July 2022, issued by the Respondent No. 1 State, Exhibit D hereto, the order dated 25th of July 2022 issued by the Respondent No. 1 State, Exhibit E hereto and the order dated 12th of October 2022, Exhibit F hereto.

(v) Writ Petitions are disposed of. Rule is made absolute in the above terms in all the Petitions. There will be no order as to costs.

(vi) All the parties to act on authenticated copy of this order.

(GAURI GODSE, J.)

(R. D. DHANUKA, J.)