

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO.132 OF 2022

Gopal Dagdu Lahange

... Petitioner

Vs.

State of Maharashtra & Ors.

... Respondents

**WITH
INTERIM APPLICATION NO.3298 OF 2023
IN
PUBLIC INTEREST LITIGATION NO.132 OF 2022
WITH
INTERIM APPLICATION NO.20456 OF 2022
IN
PUBLIC INTEREST LITIGATION NO.132 OF 2022
WITH
WRIT PETITION NO.3263 OF 2023
WITH
WRIT PETITION NO. 3115 OF 2023
WITH
WRIT PETITION NO. 3791 OF 2023
WITH
WRIT PETITION NO. 3792 OF 2023
WITH
WRIT PETITION NO. 3805 OF 2023
WITH
WRIT PETITION NO. 3807 OF 2023
WITH
WRIT PETITION NO. 4311 OF 2023
WITH
WRIT PETITION NO. 3969 OF 2023
WITH
WRIT PETITION NO. 3970 OF 2023
WITH
WRIT PETITION NO. 8340 OF 2023**

**WITH
WRIT PETITION NO. 8342 OF 2023
WITH
WRIT PETITION NO. 8343 OF 2023
WITH
WRIT PETITION NO. 8347 OF 2023
WITH
WRIT PETITION NO. 8349 OF 2023
WITH
WRIT PETITION NO. 8351 OF 2023
WITH
WRIT PETITION NO. 8352 OF 2023
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WRIT PETITION NO. 8353 OF 2023
WITH
WRIT PETITION NO. 8354 OF 2023
WITH
WRIT PETITION NO. 8355 OF 2023
WITH
WRIT PETITION NO. 8362 OF 2023
WITH
WRIT PETITION NO. 8365 OF 2023
WITH
WRIT PETITION NO. 8367 OF 2023
WITH
WRIT PETITION NO. 8375 OF 2023
WITH
WRIT PETITION NO. 8379 OF 2023
WITH
WRIT PETITION NO. 8382 OF 2023
WITH
PUBLIC INTEREST LITIGATION NO. 112 OF 2023
WITH
PUBLIC INTEREST LITIGATION NO. 113 OF 2023
WITH
WRIT PETITION NO. 8394 OF 2023
WITH
WRIT PETITION NO. 8402 OF 2023**

**WITH
WRIT PETITION NO. 8403 OF 2023
WITH
WRIT PETITION NO. 8404 OF 2023
WITH
WRIT PETITION NO. 8410 OF 2023
WITH
WRIT PETITION NO. 8407 OF 2023
WITH
WRIT PETITION NO. 8409 OF 2023
WITH
WRIT PETITION NO. 8415 OF 2023
WITH
WRIT PETITION NO. 8411 OF 2023
WITH
WRIT PETITION NO. 8412 OF 2023
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WRIT PETITION NO. 8414 OF 2023
WITH
WRIT PETITION NO. 8416 OF 2023
WITH
WRIT PETITION NO. 8417 OF 2023
WITH
WRIT PETITION NO. 8420 OF 2023
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WRIT PETITION NO. 8570 OF 2023
WITH
WRIT PETITION NO. 8571 OF 2023
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WRIT PETITION NO. 8572 OF 2023
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WRIT PETITION NO. 8573 OF 2023
WITH
WRIT PETITION NO. 8574 OF 2023
WITH
WRIT PETITION NO. 8576 OF 2023
WITH
WRIT PETITION NO. 8578 OF 2023**

**WITH
WRIT PETITION NO. 8582 OF 2023
WITH
WRIT PETITION NO. 8586 OF 2023
WITH
WRIT PETITION NO. 8589 OF 2023
WITH
WRIT PETITION NO. 8590 OF 2023
WITH
WRIT PETITION NO. 8591 OF 2023
WITH
WRIT PETITION NO. 8593 OF 2023
WITH
WRIT PETITION NO. 8594 OF 2023
WITH
PUBLIC INTEREST LITIGATION NO. 114 OF 2023
WITH
WRIT PETITION NO. 8595 OF 2023
WITH
WRIT PETITION NO. 8596 OF 2023
WITH
WRIT PETITION NO. 8597 OF 2023
WITH
WRIT PETITION NO. 8598 OF 2023
WITH
WRIT PETITION NO. 8602 OF 2023
WITH
WRIT PETITION NO. 8604 OF 2023
WITH
PUBLIC INTEREST LITIGATION NO. 115 OF 2023
WITH
WRIT PETITION NO. 9745 OF 2022
WITH
WRIT PETITION NO. 9746 OF 2022
WITH
WRIT PETITION NO. 9744 OF 2022
WITH
WRIT PETITION NO. 9639 OF 2023**

**WITH
WRIT PETITION NO. 9378 OF 2023
WITH
WRIT PETITION NO. 9385 OF 2023
WITH
WRIT PETITION NO. 9390 OF 2023
WITH
WRIT PETITION NO. 9400 OF 2023
WITH
WRIT PETITION NO. 9406 OF 2023
WITH
WRIT PETITION NO. 9423 OF 2023
WITH
PUBLIC INTEREST LITIGATION NO. 118 OF 2023
WITH
PUBLIC INTEREST LITIGATION NO. 120 OF 2023
WITH
PUBLIC INTEREST LITIGATION NO. 121 OF 2023
WITH
PUBLIC INTEREST LITIGATION NO. 122 OF 2023
WITH
WRIT PETITION NO. 16121 OF 2022
WITH
WRIT PETITION NO. 16122 OF 2022
WITH
WRIT PETITION NO. 16123 OF 2022
WITH
WRIT PETITION NO. 16125 OF 2022
WITH
WRIT PETITION NO. 6668 OF 2023
WITH
WRIT PETITION NO. 6594 OF 2023
WITH
WRIT PETITION NO. 6593 OF 2023
WITH
WRIT PETITION NO. 6592 OF 2023
WITH
WRIT PETITION NO. 6667 OF 2023**

**WITH
WRIT PETITION NO. 6661 OF 2023
WITH
WRIT PETITION NO. 6666 OF 2023
WITH
WRIT PETITION NO. 6655 OF 2023
WITH
WRIT PETITION NO.12276 OF 2023
WITH
WRIT PETITION NO.12277 OF 2023**

Mr. Venkatesh Dhond, Senior Advocate a/w Mr. Amit A. Karande, Mr. Rohan Kadam and Ms. Vinodini Shrinivasan for the Petitioner/s in WP No.8402 of 2023, WP No. 8403 of 2023, WP No.8415 of 2023, WP No.8416 of 2023, WP No.8594 of 2023, WP No.8596 of 2023, WP No.8597 of 2023, WP No.8598 of 2023, WP No.8602 of 2023, WP No.8604 of 2023, WP No.9378 of 2023, WP No.9385 of 2023, WP No.9390 of 2023, PIL No.114 of 2023, PIL No.118 of 2023, PIL No.120 of 2023, PIL No.121 of 2023 and PIL No.122 of 2023.

Mr. Sachin S. Deshmukh h/f Sambhaji S. Tope for the Petitioner/s in WP No.12277 of 2023.

Mr. Sambhaji S. Tope for the Petitioner/s in WP No.8375 of 2023 and WP No.8576 of 2023.

Mr. Nitin V. Gangal a/w Mr. Ashok D. Kadam and Ms. Perna Shukla i/by Shambhaji Tope for the Petitioner/s in WP/8354/2023.

Mr. Nikhil Kirtane for the Petitioner/s in WP No.2035 of 2023, WP No.1304 of 2023, WP No.2036 of 2023 and WP No.1655 of 2023.

Mr. Prabhat Dubey a/w Ms. Nikita Pandey for the Petitioner/s in PIL/132/2022.

Mr. Bhushan Raut for the Petitioner/s in WP No.3263 of 2023, WP No.3792 of 2023, WP No.9639 of 2023, WP No.6592 of 2023, WP No.6594 of 2023, WP No.6666 of 2023, WP No.6668 of 2023, WP No.6593 of 2023, WP No.6667 of 2023 and WP No.6655 of 2023.

Mr. Ankur Pahade a/w Mr. Anshuman R. Asare and Krishna Rodge for the Petitioner/s in WP No.8352 of 2023.

Mr. Siddharth A. Mehta for the Petitioner/s in WP No.3115 of 2023.

Mr. Nitin Gaware Patil for the Petitioner/s in WP No.4311 of 2023, WP No.8347 of 2023, WP No.8349 of 2023, WP No.8362 of 2023 and PIL No.48 of 2021.

Mr. Siddheshwar S. Thombre for the Petitioner/s in PIL No.112 of 2023 and WP No.8571 of 2023 (Through VC).

Mr. Akshay Karlekar i/by Arvind G. Ambetkar for the Petitioner/s in WP No.8358 of 2023.

S. S. Patwardhan i/by Mrinal Shelar for the Petitioner/s in WP No.12276 of 2023, WP No.3791 of 2023, WP No.3805 of 2023, WP No.3807 of 2023, WP No.3969 of 2023, WP No.3970 of 2023, WP No.9745 of 2022, WP No.9746 of 2022 and WP No.9744 of 2022.

Mr. Anoop Patil i/by R. L. Kute for the Petitioner/s in WP No.16120 of 2022.

Dr. Birendra B. Saraf, AG, Mr. P. P. Kakade, GP and Mr. M. M. Pabale, AGP for Respondent Nos.1 to 6.

Dr. Birendra B. Saraf, AG, Mr. P. P. Kakade, GP and Mr. M. M. Pabale, AGP, Mrs. R. A. Salunkhe, AGP and Mr. N. M. Mehra, AGP for the Respondent-State in WP No.12277 of 2023.

Mr. Ashok Kotangale a/w Mr. Nikitesh Kotangale, Mr. Vishnu Choudhary, Mr. Prabhakar Ranshur, Ms. Vaidehi Godse, Mr. Mayur Sarode, Ms. Rajashri Karande, Ms. Manisha Karande for Respondent No.2 in WP No.3969 of 2023.

Ms. Gunjan Shah i/by Prafulla Shah for Respondent No.4 in WP No.6666 of 2023.

Mr. Pankaj Deokar for Respondent No.14 in PIL No.113 of 2023.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE : 04th OCTOBER 2023

P.C. :

Heard the learned Counsel for the parties.

2. The challenge in this batch of Writ Petitions is to two Notings dated 18th July 2022 and 21st July 2022 issued by the Chief Secretary of the State Government. The Petitioners have also prayed for issuance of directions to the concerned Respondents to undertake and execute the works in respect of which the administrative sanctions were granted prior to the issuance of Notings dated 18th July 2022 and 21st July 2022.

3. So far as the validity of the Notings dated 18th July 2022 and 21st July 2022 is concerned, these Notings have been quashed by this Court in several Writ Petitions. One of such order is dated 03rd March 2023 passed by a Coordinate Bench of this Court at Aurangabad in Writ Petition No.9421 of 2022 and connected matters. Accordingly, in respect of the present batch of Writ Petitions as well, the Notings issued by the Chief Secretary of the State Government, dated 18th July 2022 and 21st July 2022 stand quashed.

4. It has been informed by the learned Advocate General that in due course of time, in respect of several projects, where administrative sanctions were granted prior to issuance of the Notings dated 18th July 2022 and 21st July 2022, on review, the projects have been continued. The learned Advocate General has produced before this Court one Notice/Circular dated 29th September 2023 whereby the stay on the projects/works proposed after 1st April 2021 has been withdrawn and it has also been provided that the Administrative Departments shall now be required to review all the individual

development works and take further steps to continue the work as per the available budgetary provisions and approval of the competent authority, in respect of which guidelines shall be issued separately. The Notice/Circular dated 29th September 2023 is taken on record and is marked as 'X'.

5. In view of the said Notice/Circular issued by the Chief Secretary, dated 29th September 2023, so far as the Writ Petitions where decision has been taken to continue execution of the works, are concerned, have been rendered infructuous. However, once a review of any particular project is carried out in terms of the Notice/Circular of the Chief Secretary dated 29th September 2023 and the old project is not revived or it is cancelled, in such matters, the Petitioners may have cause of action to challenge the non-revival or cancellation of the projects. In view of the aforesaid, we dispose of this batch of Writ Petitions with the following orders/directions :-

- (i) The Notings dated 18th July 2022 and 21st July 2022 issued by the Chief Secretary, State Government stand quashed.

- (ii) In terms of the Notice/Circular dated 29th September 2023, in case after review, any individual project pertaining to any individual department is cancelled, it shall be open to the respective Petitioner/s to challenge such action by taking recourse to any legal remedy, which may be available to him/them including filing of a Writ Petition under Article 226 of the Constitution of India.
- (iii) Disposal of this batch of Writ Petitions by this order shall not be understood to have a sanction of the Court upon the power of the review of the State Government in respect of the administrative/otherwise sanction accorded to any project.
- (iv) We make it clear that we have not made any observations on the merit of the issue as to whether the Government in such matters does or does not have power to review.

6. In view of the above, all the Writ Petitions stand disposed of accordingly.

7. In view of disposal of the Writ Petitions, the Interim Applications, if any, do not survive and the same are also disposed of.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)