

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 149/2023

(CHANDANI RAVI SHINDE & OTHERS **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

*Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders.*

Court's or Judge's order

Shri S.D. Chopde, counsel for the petitioners.
 Shri A.A. Madiwale, Assistant Government Pleader for the respondent nos.1 and 2.
 Shri S.V. Sohoni, counsel for the respondent no.3.

CORAM : A. S. CHANDURKAR AND MRS.VRUSHALI V. JOSHI, JJ.

DATE : AUGUST 08, 2023.

The petitioners seek implementation of the directives contained in the Government Resolution dated 05.03.2002 in the matter of allotment of funds under the “Nagari Dalit Vasti Sudharana Yojana” (for short, ‘the Scheme’) after considering the ratio of the population to the Scheduled Castes in Ward Nos.2 and 7 of Akola Municipal Corporation.

2. It is submitted by the learned counsel for the petitioners that the allocation of funds under the aforesaid Scheme is not in accordance with what is contemplated by Clauses 4 and 5 thereof. According to the said clauses, the population of the residents belonging to the Scheduled Castes and Nav-Bouddha community in the wards reserved for such members has to be taken into consideration while allocating funds. Where such population is on a higher side, said Wards have to be given preference under the Scheme for undertaking the works. Inviting attention to the Tender Notice No.21 and the list of works mentioned therein it is submitted that the guidelines under the Government Resolution dated 05.03.2002 have not been followed. Attention is invited to the objection raised by the petitioner no.1 on 14.12.2022 before the Collector to indicate that in comparison with other Wards, Ward Nos.2 and 7 have received lesser amount of funds though there is high population of the citizens from the Scheduled Castes and Nav-Bouddha community. It is thus submitted that the Corporation be directed to allocate funds in accordance with the said Government Resolution.

3. The learned counsel for the Municipal Corporation has relied upon the affidavit-in-reply to submit that Clauses 4 and 5 of the said Government Resolution cannot be read in isolation. The entire Government Resolution has to be read and especially Clauses 6-B and 9 thereof. Under the said Government Resolution, a District Level Committee has been constituted to determine the manner in which funds are to be allocated after considering the existing works in the Wards. Such Committee was duly constituted and in the meetings held by it on 22.12.2022 and 23.12.2022 the funds were allocated. There was no arbitrariness in the distribution of funds and merely by relying upon Clauses 4 and 5 it could not be said that there has been any discrepancy in the distribution of the funds. Reference was also made to the data in that regard from 2014 onwards to indicate equitable distribution of funds. Hence, no interference in writ jurisdiction was called for.

4. Having heard the learned counsel for the parties and having perused the Government Resolution dated 05.03.2002 we find that the allocation of funds has been undertaken by the District Level Committee constituted under Clause 9 of the said Government Resolution. The funds have been indicated to have been distributed in the light of the said Government Resolution as a whole. While doing so the said Committee has referred to the works carried out in each Ward from 2013-14 to 2021-22. It is thereafter that the funds for the current year came to be allocated. On a perusal of the minutes of the proceedings held on 22.12.2022 and 23.12.2022, we do not find that there is any patent arbitrariness or favouritism *vis-a-vis* Wards within the Municipal Corporation. Clauses 4 and 5 are not the only indicators for the distribution of funds. Preference is required to be given under the Scheme to the provision of basic facilities in each Ward. There is no material on record to hold that the allocation of funds by the District Level Committee under the Scheme is not in accordance with the norms stipulated by the Government Resolution dated 05.03.2002 or that Ward Nos.2 and 7 have been specifically granted lesser grants.

5. In absence of there being any exceptional case made out to exercise writ jurisdiction, we are not inclined to entertain the writ petition. It is accordingly dismissed with no order as to costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

APTE