



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

WRIT PETITION NO. 866 OF 2024

GRAMAPANCHAYAT KHARDADI THROUGH ITS SARPANCH
AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS

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Shri Majit Shaikh, Advocate i/by Shri Deshmukh Sachin S., Advocate
for the Petitioners.

Shri N.S. Tekale, AGP for Respondent Nos.1 to 2/State.

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CORAM : RAVINDRA V. GHUGE

&

Y. G. KHOBRAGADE, JJ.

DATE :- 24th September, 2024

Per Court :-

1. Leave to delete Petitioner Nos.11 and 12, since they
are ex-Sarpanch and have no locus to file a Writ Petition.
Deletion be carried out forthwith.

2. We have perused the prayers put forth by the
Petitioners, seeking directions to release the outstanding
amounts.

3. Considering the law laid down by the Honourable
Supreme Court in *National Highways Authority of India vs.
Sheetal Jaidev Vade and others, Civil Appeal No.5256/2022,*

decided on 24.08.2022, this Court would not entertain the Writ Petition which has a semblance of a recovery suit. Hence, as is held in one of the orders passed by us, dated 31.10.2023 in Writ Petition Nos.13540/2023 (***Gram Panchayat Antarwali vs. The State of Maharashtra and others***) and 13590/2023 (***Gram Panchayat Pangri Gosavi vs. The State of Maharashtra and others***), **this Writ Petition is disposed off** with a direction to Respondent Nos.1 and 1A, to consider the grievance of the Petitioners/ Gram Panchayats (save and except Petitioner Nos.11 and 12), within a period of two months from today. If Respondent Nos.1 and 1A conclude that the Petitioners are entitled for release of funds, appropriate orders may be passed.

4. If the Model Code of Conduct is introduced, the same shall not be an impediment for implementing this order.

5. We make it clear that we have not expressed any opinion on the contentions of the parties and have not arrived at any conclusion on the merits of their claims.