



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

PUBLIC INTEREST LITIGATION NO. 91 OF 2024

Vivek Ashok Malekar,
Age : 27 Years, Occu : Agriculture,
Presently working as Upsarpanch,
Village Panchayat, Hingni,
Tal. Mahur, Dist. Nanded

.. Petitioner

Versus

- 1] The State of Maharashtra
Through its Rural Development Department,
Mantralaya, Mumbai
- 2] The Collector,
Collector Office, Nanded
- 3] Zilla Parishad, Nanded
Through its Chief Executive Officer,
Nanded
- 4] The Additional Chief Executive Officer,
Zilla Parishad, Nanded
- 5] The District Animal Husbandry Officer,
Zilla Parishad, Nanded

.. Respondents

...
Advocate for petitioner : Mr. Yuvraj V. Kakde
AGP for the respondent – State : Ms. Neha B. Kamble
...

**CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 11 DECEMBER 2024

ORDER (MANGESH S. PATIL, J.) :

Heard learned advocate for the petitioner.

2. Petitioner who is the *sarpanch* of village Hingni, Taluka Mahur, District – Nanded, is objecting to the administrative order dated 01-10-2024 of respondent no. 3 – Zilla Parishad, whereby the earlier administrative approval granted for setting up of a veterinary hospital in his village, has been cancelled and instead, administrative approval has been accorded for construction of a veterinary hospital building at village Bodhadi, Taluka – Kinwat which is at a distance of 70 km.

3. We have heard learned advocate for the petitioner who took us through the impugned order and strenuously attempted to point out as to how the decision to cancel the veterinary hospital building construction in the petitioner's village is improper. He would further point out, in fact, the estimate that was arrived at for carrying out construction of veterinary hospital building at Bodhadi, Taluka – Kinwat was Rs.50,00,000/-. However, it has been now increased to Rs.70,00,000/-. There was no necessity for such a change. It would adversely affect citizens / villages in and around petitioner's village – Hingni.

4. This Court has inherent limitations in exercise of the powers under Article 226 of the Constitution of India. It is a matter of spending public money for a public work. Suitability or otherwise of the decision, in our considered view, where, by the impugned order, instead of earlier approval granted

for construction of a veterinary hospital in petitioner's village, the decision has been changed and the funds have been appropriated to be spent for a similar work in some other village, would be purely an administrative exercise. Unless the petitioner is able to demonstrate and attribute some *mala fides* or ulterior motive, we are afraid, this Court cannot undertake any exercise and reverse it by resorting to Article 226 of the Constitution of India.

5. Keeping open all the avenues to the petitioner, to resort to appropriate remedy, the public interest litigation is dismissed.

[PRAFULLA S. KHUBALKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/