



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

PUBLIC INTEREST LITIGATION NO.42 OF 2023

Sow. Rupsundar Kalyan Watane

... Petitioner

VERSUS

The Union of India & Ors.

... Respondents

.....
Mr. S.S. Jadhavar, Advocate i/b Mr. S.R. Sirsat, Advocate for
the Petitioner

Mr. Rohit S. Sarvadnya, Standing Counsel for Union of India
Mr. A.B. Girase, Government Pleader for the State
.....

**CORAM : SHREE CHANDRASHEKHAR, CJ. &
SMT. VIBHA KANKANWADI, J.**

DATE : 30th SEPTEMBER, 2025

P.C. :

In this Public Interest Litigation filed by a person who claims to be elected as upa-sarpanch, the petitioner seeks a direction to the respondent nos.4 to 6 for including Kakade Vasti, Karle Vasti, Ratnapur Road, Lekurwale Vasti, Fakrabad Road, Katrajkar Vasti, Kadam Vasti, Dattatraya Karle Vasti, Pathakwadi and Kusadgaon-Bhogalwadi Vasti situated within the limits of Group Grampanchayat Saradwadi-Bhogalwadi-Kusadgaon for proper implementation of Jal Jeevan Mission

FMPathan/-

under the Operational Guidelines framed and issued by the Government of India.

2. Mr. S. S. Jadhavar, the learned counsel for the petitioner referred to the document at page no.35 of the paperbook vide Annexure “B” which gives the Operational Guidelines for the implementation of Jal Jeevan Mission. The learned counsel for the petitioner has drawn attention of this Court to Clause 5.4 of the Operational Guidelines and submitted that the tender was floated ignoring the mandatory requirements under the Operational Guidelines.

3. At page no.172, the petitioner has brought on record the document of the “Tender”. From the records at page no.173, we find that three bidders participated in the tendering process and the respondent no.7-M/s Shivshankar Enterprises was declared as the successful bidder. An agreement was executed on 3rd March 2023 and the work completion period was 365 days under the agreement.

4. The petitioner is not a party to the commercial transaction entered with 7th respondent i.e. M/s Shivshankar Enterprises. The writ petition by a stranger to the commercial transaction is not entertainable. The writ petition labeled as

Public Interest Litigation should not be entertained to challenge the award of tender to a private entity. The concept of Public Interest Litigation originated in the thought that the persons of the weaker section of the society who have no voice and who are unheard in the society are not left voiceless. It is also a too well settled proposition that the executive decisions should not be interfered in a petition masked as Public Interest Litigation. Moreover, the Operational Guidelines on which the petitioner seeks to rely are only for providing necessary instructions for the implementation of the Project and those are not binding.

5. Public Interest Litigation No.42 of 2023 is dismissed.

(SMT. VIBHA KANKANWADI, J.)

(CHIEF JUSTICE)