

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

WRIT PETITION NO. 9744 OF 2022

Belewadi Village Panchayat.

....Petitioner

Versus

State of Maharashtra and Ors.

....Respondents

Mr. S.S. Patwardhan i/b Mrs. Mrinal A. Shelar for the
Petitioner/Applicant.

Mr. Kavita N. Solunke, AGP for Respondent - State

**CORAM : R. D. DHANUKA &
S. G. DIGE, JJ.**

DATE : 28th NOVEMBER, 2022.

P.C. :

1. The petitioner, seeks writ of certiorari for quashing and setting aside orders dated 19th July 2022 and 25th July 2022 issued by the State Government thereby suspending all the development activities initiated by the predecessors in the office, including that of the petitioners.

2. It is common ground that on 31st March 2022, the development work of construction of gutters in the

petitioners Village Panchayat was already sanctioned by the State Government. Work order for the said work was issued by the Respondent No.2 on 14th July 2022. The State Government has issued the impugned orders on 19th July 2022 and 25th July 2022 without recording any reasons as to why the budget which was already sanctioned and has been already incorporated in the Finance Act has been suspended by an executive order.

3. Mr. Patwardhan, learned counsel for the petitioner, invited our attention to the work order issued in favour of the contractor Shri Mangesh Sarkappa Sutare. The learned counsel invited our attention to the Government Resolution dated 31st March 2022 annexed at Page No. 37 of the petition and submitted that the said work has to be completed before 31st March 2023 and if the work is not carried out, the budget already earmarked and forming part of the Finance Act would lapse by 31st March 2023.

3. Learned AGP seeks time to take instructions and to make a statement before this Court. The learned counsel tenders a copy of the order dated 9th November 2022

passed by the Division Bench of Aurangabad Bench in Writ Petition No. 9421 of 2022 in the case of **Pooja Kalyan Sapate Vs. State of Maharashtra and Ors.** and connected petitions raising similar grievance that the State Government is suspending the works already awarded. After referring to the judgments of Supreme Court in case of **State of Haryana Vs. State of Punjab, 2002 AIR (SC) 685**, this Court passed an order of status quo with regard to the projects, concerning which, work orders have already been issued.

4. In this case also, the work order has already been issued in favour of Respondent no.3 by the State Government which is suspended by the impugned order. Learned AGP seeks time to take instructions.

5. In our prima facie view, the State Government already having issued orders after having approved the budget for the said work awarded to the Respondent No.3 to be carried out in the Village of the petitioner panchayat, cannot suspend such work which would result in lapse of the budget already earmarked for the said work and that

also without any basis.

6. Place the matter High on Board on 12th December 2022. Till the next date, there shall be ad- interim relief in terms of prayer clause (C). Which reads thus;

C) Pending hearing and final disposal of this Writ Petition, this Hon'ble Court be pleased to stay the operation, implementation and effect of the Order dated 19th of July 2022, issued by the Respondent No. 1 State, Exhibit D hereto and the Order dated 25th of July 2022 issued by the Respondent No.1 State, Exhibit E hereto;

7. The learned AGP to communicate this order to the concerned department forthwith.

8. Parties to act on authenticated copy of this order.

(S. G. DIGE, J.)

(R. D. DHANUKA J.)