



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 4223 OF 2023

Ravindra Dattaram Waikar ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

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Mr. Satish Borulkar i/b Mr. S. Borulkar, Advocate for the Petitioner.
Mr. Milind More, Additional GP for State.

CORAM : **G. S. KULKARNI &
R. N. LADDHA, JJ.**
DATE : **March 30, 2023**

P.C.

1. On 17 February 2023 a coordinate Bench of this Court had heard the present proceedings, when Mr. More learned Additional Government Pleader had prayed for three weeks time to file reply affidavit. Such time expired on 10 March 2023. We note from the record that no extension of time was sought on behalf of the respondent to place on record a reply affidavit.

2. Today Mr. More learned AGP is before the Court to state that the reply affidavit is still not ready, hence, the same could not be filed. In the above circumstances, in fact we should not be

accepting such request when almost three weeks back the time to file reply had expired.

3. We are informed by Mr. Borulkar, learned counsel for the petitioner that in the intervening period from the last adjournment i.e. 17 February 2023 and till date to the knowledge of the petitioner, large amounts are disbursed under the funds allocated to the members of the Maharashtra Legislative Assembly.

4. We have heard Mr. Borulkar for sometime on the issues as raised in the petition. The petitioners contentions is that there is gross discrimination in allocation of funds under the Maharashtra Local Development Funds allocated to the Members of the Legislative Assembly and Members of the Legislative Council being disbursed to the District Planning Commission by the State of Maharashtra. Mr. Borulkar has drawn our attention to page 27 of the petition which is a chart showing the names of the MLAs of different assembly constituencies, and the amounts which are disbursed. Pointing out to the different names and constituencies in the said chart, Mr. Borulkar has submitted that there are large amounts disbursed in favour of MLAs who belong to the ruling dispensation, and in respect of the others there is a meager

allocation of funds. Mr. Borulkars contention is that a fair, non-discriminatory and non-arbitrary allocation is required to be made. His contention is, that these funds are ultimately public funds, which need to be utilized for public benefit, hence, there cannot be any arbitrary allocation of Such 'State largesse'.

5. Mr. More learned AGP needs to answer all these contentions as raised by the petitioner. As Mr. More has stated that preparation of reply affidavit is at the final stage and shall be filed by tomorrow, we permit the respondents to file their reply affidavit.

6. Considering Mr. Borulkars submission we also direct the State Government to place on record in such affidavit, as to how much amounts, have been disbursed from 17 February 2023 till date, under the heads in question, and their allocation per elected representatives, of the different assembly constituencies.

7. We shall hear the parties on all the issues on the adjourned date of hearing and make an endeavour to pass an appropriate order.

8. Accordingly stand over to **5 April 2023 (High on Board)**.

9. At this stage Mr. More learned AGP has stated that the entire amounts for the financial year are already disbursed. We record the statement. However, in the event some amounts are yet to be disbursed, they shall not be disbursed till further orders.

10. Time to file reply affidavit is extended by 3 April 2023.

[R. N. LADDHA, J.]

(G. S. KULKARNI, J.)