

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

WRIT PETITION NO. 1513 OF 2007

Shriram Gramin Vikas Pratishthan,
Loni Masadpur, Tq. Jamkhed,
through its President, Vinayak S/o
Khaserao Ransing .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Ms. Madhveshwari D. Thube (Mhase), Advocate for the
Petitioner.

Shri S. G. Sangle, A.G.P. for Respondent Nos. 1 to 4.

**CORAM : S. V. GANGAPURWALA AND
A. I. S. CHEEMA, JJ.**

DATE : 28TH APRIL, 2015.

PER COURT :

. Mrs. Thube (Mhase), the learned counsel for the petitioner strenuously contends that, in the year 2003-2004 there was drought situation in the Ahmednagar district. Therefore, there was scarcity of food and water. The situation adversely affected the cattle in the region. The Government had issued resolution calling upon the Co-operative Societies, Sugar Factory and other non profit making institutions to open camps for the maintenance of cattle, goat, sheep, etc. The State paid an aid of Rs. 20/- for bigger animal and Rs. 10/- for small animal per day. The petitioner made an application to the respondent No.

4/Tahsildar for permission to set up a camp at village Jawala estimating about 1000 to 1500 cattle. The permission was granted to the petitioner. As per rules the Talathi as well as Circle Officer count the cattle and submit report to the respondent No. 4. On or about 01.05.2004 the Sub Divisional Officer, Jamkhed, visited the camp and found 31 cattle less. The statement was made by the persons that 31 cattle have gone for drinking water. However, the respondent No. 3 arbitrarily made a report to the respondent No. 2. The respondent No. 2 issued show cause notice to the petitioner. Pursuant to the show cause notice issued by the respondent No. 2, the petitioner filed its reply. The respondent No. 3 submitted his opinion to the respondent No. 2 recommending penal action against the petitioner. The respondent No. 2 passed an order that, 79 cattle were shown excess since the date the camp was started till the date of order. The Collector rejected the application of the petitioner to review the said order. The learned counsel submits that, there is no evidence to show that 79 cattle were shown excess from the date of setting up of the camp. The learned counsel submits that, the visit was made by the persons every day and the report was submitted, but only on one occasion 31 cattle were found less and explanation was given that they had gone for drinking water. The same ought to have been accepted. There was no reason to withhold the grant for 79 cattle.

2. The learned Assistant Government Pleader supports the

order and submits that, after due enquiry and giving opportunity to the petitioner, the order has been passed. On one occasion 48 cattle were found less and on another occasion 31 cattle were found absent. There was no question of payment of grant in respect of said 79 cattle.

3. We have considered the submissions canvassed by learned counsel for respective parties.

4. It appears that, the petitioner was issued with show cause notice. The reply was called and thereafter decision is taken. The petitioner also moved for review of the said decision before the Collector. The Collector gave opportunity, has considered the documents on record and has come to plausible conclusion based upon report and documents on record. This Court would not sit in appeal on the decision taken by the authority, but would only examine the decision making process. It has been observed by the Collector in its order that, excess cattle are shown by the petitioner. A person who does wrong, cannot take advantage of it. The order is self explanatory. We do not find any error committed by the Collector while passing the impugned order. The writ petition as such stands dismissed. Rule discharged. No costs.

[A. I. S. CHEEMA, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 15