

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.501 of 2014

Mallikarjun Marutirao Chandapure

Petitioner

Versus

The Chief Secretary,

Government of Maharashtra and others

Respondents

Mr. Deshmukh Shambhuraje V. advocate for the petitioner

Mr. V.H. Dighe, AGP for Respondent State

CORAM : R.M. BORDE &
P.R. BORA, JJ

Dated : 26th AUGUST, 2015.

PER COURT :-

1 The petitioner is seeking quashment of the letter dated 10.12.2012 issued by respondent No.4 and communications dated 14.1.2013 and 29.7.2013 issued by respondent No.3. The petitioner is also praying for directions to respondent No.1 to take decision on the representation dated 23.7.2012 tendered by him in the light of Circulars dated 16.2.2010 and 18.1.2013 as per the directions issued by this Court on 21.12.2012 in Writ Petition No.4101 of 2007 and Writ Petition No.6731 of 2012. A further direction is sought against respondent No.1 to initiate disciplinary proceedings against respondent No.5 in the light of Circular dated 16.2.2010 and 18.1.2013 and the directions issued by this Court on 21.12.2012 in writ petition No.4101 of 2007.

2 In the representation dated 23.7.2012 addressed to the Chief Secretary, Maharashtra State, the petitioner has prayed for initiation of action against the Chief Officer, Municipal Council Mr. M.P. Gaikwad and Mr. Rahul Wagh. It is alleged in the representation that. the concerned officers, in connivance with the then President of the Municipal Council Mr. Pravin Sarda did not take decision on the applications tendered to the Chief Officer for a period of two years. The petitioner contends that. his son and daughter in law are purchasers of two different plots situate at Umri, District; Nanded. Even after purchase of the plots, for years together, the Chief Officer did not take steps for mutating the names of the purchasers in the property tax record. A complaint was lodged by the petitioner to different authorities and ultimately, the names have been recorded. as directed by the higher officials in the year 2012. The petitioner contends that. although the hearing of the matter was concluded on 23.3.2012, no steps were taken for one year by the concerned Chief Officer, which is an act, violative of the Government directives and the decision rendered by the High Court in the Judgment referred to in the petition. Another grievance raised by the petitioner in the instant petition is in respect of the acts of commission & omissions by the officers of the Municipal Council in permitting sale of the property prescribed for public purposes under the Final Development Plan of the Municipal Council and the action of according permission to the purchasers of the said property to use it for the purpose different than the one which has been prescribed under the Final Development

Plan. The petitioner makes allegations against the private individuals who are the owners of the property, prescribed for public purposes under the Final Development Plan, as well as the concerned Chief Officer.

3 Out of the two grievances raised in the petition, one is referable to his personal interest, whereas, the other one is referable to a larger public interest.

4 The grievance which is referable to his own personal interest is in respect of failure of the authorities to mutate the names of his son and daughter in law, in the property tax record for years together. It is surprising to note that the petitioner himself is espousing the cause of his son and daughter in law, whose names are not disclosed in the petition although they are majors. The individual case of major son and daughter in law, who are not parties to the petition is being espoused by the petitioner. We are doubtful as to whether petitioner has any locus to espouse the personal cause of the major son and daughter in law, even whose names are also not referred any where in the petition.

5 Apart from this, the reliance placed by the petitioner on the Govt. Circulars dated 16.2.2010 and 18.1.2013 is misplaced. The Government Circular dated 16.2.2010 relates to determination of applications tendered by the claimants under the provisions of section 28-A of the Land Acquisition Act. The directions contained in the aforesaid circular are in respect of expeditious disposal of the applications of the claimants tendered under section 28-A of the Land Acquisition Act. The

Government Circular dated 18.1.2013 is an outcome of the directions issued by the High Court in Writ Petition No.6731 of 2012 in the matter of redressal of grievances of the Government employees in reference to the transfer applications under the provisions of the Act framed by the State Government in that regard. The reliance placed on the aforesaid circulars is also misplaced. The petitioner refers to the decision rendered by the High Court in Civil Writ Petition No.6731 of 2012. The division bench of this Court taking note of the grievance of the petitioner therein in respect of failure of the Collector, Pune to decide the representation, in spite of issuance of directions by the High Court, has issued certain instructions directing the Chief Secretary to issue instructions/circulars before 19.1.2013 to all the concerned departments and officers that if any representation is made, the same shall be considered and final decision thereon must be taken within the period specified in the Govt. circular dated 16.2.2010. The Circular dated 18.1.2013 is issued consequent upon the decision rendered by the High Court in Writ petition No.6731 of 2012. As has been stated above, the aforesaid circular as well as the decision tendered by the High Court in the writ petition referred to above, do not relate even remotely to the cause being espoused by the petitioner. So far as the grievances raised in the petition, in respect of use of the property in breach of the prescription of reservation under the Final Development Plan prepared by the State Government by the private individuals and according permission for use of the said property for different purpose by the officer of the municipal council is concerned, the grievances raised are in the nature of public

interest issues. The instant petition is not a public interest litigation. Apart from this, the persons against whom the allegations are made i.e. either the private individuals or the concerned officers, have not been impleaded as party respondents, in this petition.

6 For the reasons recorded above, the petition does not deserve favourable consideration. Writ petition is devoid of substance and hence stands rejected.

(P.R. BORA, J)

(R.M.BORDE, J)

vbd