

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7628 OF 2014

Shri Nitin Kishor Dali. .. Petitioner

Vs

The State of Maharashtra and Others. .. Respondents

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Shri Gautam T. Kanchanpurkar for the Petitioner.

Mrs. M.P. Thakur, AGP for the Respondent Nos.1 to 3.

Ms. Nisha Agarwal i/by Ms. Neeta Karnik for the Respondent Nos.7 to 10.

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CORAM : A.S. OKA &
VLACHLIYA, JJ
DATED : 5TH OCTOBER 2015

PC.

. Heard the learned counsel appearing for the Petitioner and the learned counsel appearing for the seventh to tenth Respondents.

We have heard the learned AGP for the first to third Respondents.

2. As far as prayer clause (b) is concerned, apart from the fact that the Petitioners have a remedy available, for the reasons set out in this order, the said relief cannot be granted.

3. We have perused the affidavit of Shri Milind Narayan Chavan, the District Superintendent of Land Records, Thane. As per the directions of the State Government, the Deputy Superintendent of Land Records submitted an inquiry report on 17th January 2015. It is stated

that the discrepancies have been complied with and the departmental inquiry has been initiated against the concerned employees. The learned counsel appearing for the seventh to tenth Respondents states that the said Respondents desire to challenge the report of the inquiry officer. At this stage, no direction can be issued to set the criminal law in motion.

4. Suffice it to say that the affidavit of Shri Milind Narayan Chavan shows that the State Government instituted an inquiry and thereafter corrective steps have been taken. Therefore, it is not necessary to keep the Petition pending. It is obvious that we have not made any adjudication on the validity and legality of the report submitted by the Inquiry Officer appointed in accordance with the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979.

5. By accepting the statements in the affidavit of Shri Milind Narayan Chavan, the District Superintendent of Land Record, Thane, and by keeping all the contentions of the parties open, the Petition is disposed of.

(V.L. ACHLIYA, J)

(A.S. OKA, J)