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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION No. 2 OF 2014

Shantaram Subhash Sangale ... Petitioner
Vs.
The State of Maharashtra & Ors. ... Respondents

Mr. Prashant Kayande, for the Petitioner.

Ms. Aswini Selukar i/b Anamika Malhotra, for Respondent No. 1.

CORAM : V. M. KANADE, &
A. R. JOSHI, JJ.

DATE : MARCH 9, 2015

PC.

1. By this petition which is filed under Article 226 of the Constitution of India as a Public Interest Litigation, Petitioner is seeking following reliefs:

- “ (a) Your Lordship may graciously be pleased to issue writ of mandamus, or any writ, order or direction in the like nature or any other appropriate writ, order or direction, thereby directing the Respondent No. 3, to take immediate strong action to terminate the Respondent No. 1 & 2 from the services with immediate effect.
- (b) That Your Lordship may graciously be pleased to issue a direction to the Respondent No. 4, to register F.I.R. against the Respondent No. 1 and 2 under sections 161,

165, 166, 167, 168, 169, 420 of the Indian Penal Code & prevention of corruption Act.

- (c) That Your Lordship may graciously be pleased to issue a direction to the Respondent No. 3, to file the Atrocity Case against the Respondent No. 1 & 2, as they have cheated and neglected the S.C. & S. T. farmers from giving benefits of the various schemes under the Atrocity Act.
- (d) That Your Lordship may graciously be pleased to issue a direction directing that the Central Bureau of Investigation to investigate the disproportionate property of the Respondent No. 1 and 2.
- (e) Your Lordship may graciously be pleased to issue writ of mandamus, or any writ, order or direction in the like nature or any other appropriate writ, order or direction, thereby directing the Central Bureau of Investigation Department, to conduct the enquiry & investigate the smuggling, export, misuse and black marketing of MOP and other subsidized fertilizers and similarly the corruption in other schemes as mentioned in the petition and find out the nexus in between the corrupt officials, manufacturers, dealers etc. in the sequence of recent to old years in the State.
- (f) Your Lordship may graciously be pleased to issue

direction, thereby directing the Respondent No. 3, to take immediate strong action against the Respondent No. 4 to 6, for lack of supervision and protecting the vested interest of Respondent No. 1 & 2, despite various complaints of serious nature from the farmers, MLA, MLC, local political representative and Newspapers media.

- (g) Your Lordship may graciously be pleased to issue direction, to the Respondent No. 3, to set up an appropriate and corruption free machinery for the effective implementation of the State Government, Central Government, as well as Zilla Parishad Schemes, so the quality benefits can reach to the grass root level & amend the Maharashtra Civil Service Rules (Conduct & Discipline), make the strong provision and deterrent action for the erred and corrupt officials.
- (h) Your Lordship may graciously be pleased to issue direction, to the Respondent No. 3, to grant the subsidy of the fertilizers to the manufacturers on the basis of the actual demand & supply thereof to the farmers of the district & strictly after 100% verification of the farmers only to whom the fertilizers are supplied & that verification shall be done through the agency other than the Agriculture Department and present table made

with money pockets verification of the dealers and manufacturers shall be stopped at once, so that long back huge corruption in subsidy of the farmers will be curbed & poor, illiterate & downtrodden farmers of the independent country will get proper justice and they will avail the fundamental rights provided under constitution in real sense.”

2. In our view, these reliefs cannot be granted by us while exercising the writ jurisdiction under Article 226 of the Constitution of India, since Petitioner has an alternate remedy of either filing a private complaint before the Metropolitan Magistrate or he has to first make representation to the concerned authority and if no action is taken by them, then he can approach this Court. If the Petitioner has filed a representation before the concerned authority, the concerned authority is directed to consider representation on merits and in accordance with law. Reserving the right of the Petitioner to exhaust alternate remedy, PIL is disposed of.

Sd/-
[A. R. JOSHI, J.]

Sd/-
[V. M. KANADE, J.]

Vinayak Halemath