

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

PUBLIC INTEREST LITIGATION NO. 75 OF 2013

(Vilash s/o Vasant Rao Khandekar vs. The State of Maharashtra thr. its Secretary, Revenue Department & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

Shri S.J. Khandalkar, counsel for the petitioner.
Shri A.D. Sonak, AGP for the respondent Nos. 1 to 3 & 8.
Shri Rajnish Vyas, counsel for the respondent No. 4.
Shri Pravin P. Deshmukh, counsel for the respondent
No.5.
Shri Arvind Kulkarni, counsel for the respondent No.6.
Shri B.G. Kulkarni, counsel for the intervenor.

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**CORAM : SMT. VASANTI A. NAIK &
A.M. BADAR, JJ.
AUGUST 05, 2015.**

By this petition, that was registered as a Public Interest Litigation, the petitioner has sought action against the respondents for the illegalities and irregularities committed by them in the office of City Survey at Nagpur, thereby granting advantage to various builders and causing substantial loss to the public exchequer.

In pursuance of our order dated 02.04.2014, we had directed the Secretary of the Revenue Department to conduct an inquiry into the affairs of the City Survey office at Nagpur. The Secretary (Revenue) was also directed to conduct an inquiry and find out whether any undue advantage was given to any private individual in pursuance of the wrongful orders passed by the officers of the City

Survey department. The report was also called. In furtherance of our order dated 02.04.2014, a preliminary inquiry was conducted by the Secretary (Revenue) and a report was submitted in this Court. It was informed to this Court on 01.07.2015 that it was found in the preliminary inquiry that the respondent Nos. 3, 5, 6 and one Shri Fartade had committed several illegalities and a departmental inquiry is proposed against the erring employees. It was then brought to the notice of this Court by the counsel for the intervenor that certain Government land has been sold by private parties to builders by taking advantage of fraudulent entries made by the City Survey Officers and the Government has not initiated any action in respect of the recovery of the land.

On 01.07.2015, we had asked the learned Assistant Government Pleader to make a statement as to when the departmental inquiry against the erring respondents and Shri Fartade would be initiated and completed and what steps would be taken by the Government to revive the entries wrongfully made by the officers. The respondent No. 2 has filed an affidavit on 22.07.2015. It is stated in the affidavit that the Government has initiated the departmental inquiry against the respondent Nos. 3, 5, 6 and Shri Fartade, and the same would be completed as early as possible. It is stated that the respondents have initiated the process for revising the wrongful entries and notices have been issued to the concerned parties. It is stated that appropriate revision of the entries would be made within a period of four months.

At this stage, Shri Kulkarni, the learned counsel for the intervenor states that the Government may be directed to take appropriate action for the recovery of the land of the government that appears to have been sold to various parties repeatedly.

We do not propose to issue any directions to the State Government on the basis of the complaint made by the intervenor as that would make this petition cumbersome. At the request of the learned counsel for the intervenor, we grant liberty to the intervenor to file appropriate proceedings, including a Public Interest Litigation by following the provisions of Bombay High Court Public Interest Litigation Rules, 2010. We, however, accept the statement made on affidavit by the respondent No. 2, which would be binding on the respondent Nos. 1 to 3.

The Public Interest Litigation is disposed of by accepting the statements made by the respondent No. 2 in the affidavit in reply and by directing the respondent No. 1 to complete the inquiry against the erring officers as early as possible and positively within a period of six months. It is needless to mention that the respondent No. 1 could consider the material placed by the petitioner before this Court to point out the illegalities and irregularities by the erring officers.

Order accordingly. No order as to costs.

JUDGE

JUDGE