

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

WRIT PETITION NO. 9173 OF 2013

Gautam Maruti Raut .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Nitin V. Gaware, Advocate for the Petitioner.
Shri A. M. Phule, A.G.P. for Respondent Nos.1 to 5.
Shri N. C. Garud, Advocate for the Respondent No. 6.

**CORAM : S. V. GANGAPURWALA AND
A. M. BADAR, JJ.**

DATE : 20TH JANUARY, 2016.

PER COURT :

. Mr. Gaware, the learned counsel for the petitioner submits that, the respondent No. 6 has committed large scale illegalities. The enquiry was also conducted. Initially the report was submitted by the Tahsildar that fodder to the extent of 270 Kg is less. The registers are not maintained. The rates are not displayed. The same persisted even at the time of second visit of the Tahsildar. The respondents did not appoint committee to enquire into the illegalities as contemplated in the Government resolution itself. The learned counsel submits that, the affidavit filed by respondents is an eye wash. According to the learned counsel enquiry needs to be conducted against the respondent No. 6 and its functioning.

2. The learned A. G. P. submits that, the respondent No. 5 has submitted its report to the respondent No. 4 and in turn the same has been submitted to the respondent No. 3 on 09.01.2014. After making an enquiry, it has been found that the respondent No. 6 has committed irregularities, but not illegalities. The difference in the quantity of fodder to the extent of 27.925 MT was also enquired into. The detailed report was submitted by the respondent No. 4 to the respondent No. 3 showing that the same has been properly distributed to the concerned beneficiaries.

3. We have considered the submissions canvassed by learned counsel for respective parties. It has been stated that, on receiving the report on 13.07.2012 the fodder depot of the respondent No. 6 has been cancelled by order dated 17.07.2012. The enquiry is conducted. The report is submitted. The affidavits of beneficiaries were also considered and it was found that in day today operation some irregularities were committed i. e. not displaying rates, etc. However, illegality was not committed.

4. This Court would not sit in appeal over said report. Even otherwise the fodder depot of the respondent No. 6 is cancelled in the year 2012 itself. In the light of that, the writ petition stands disposed of. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]