

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11729 OF 2016
(Kalyan Sadashiv Ambure and others Vs. The State of
Maharashtra and others)

Mr. H.K. Munde, Advocate for the Petitioners
Mr. K.D. Munde, A.G.P. for the respondent/State

CORAM : R.M. BORDE AND
SANGITRAO S. PATIL, JJ.

DATE : 28th November, 2016

PER COURT :

Heard.

2. The petitioners are objecting to the order dated 7th November, 2016, passed by the Lokayukta, Maharashtra State, Mumbai, whereby the Lokayukta has, under section 12 (1) of the Maharashtra Lokayukta and Up-Lokayukta Act, 1971, made recommendations to the Secretary, Government of Maharashtra, Water Conservation and Employment Guarantee Scheme Department, Mantralaya, Mumbai and the Secretary, Government of Maharashtra, Agriculture Animal Husbandry, Dairy Development and Fisheries Department, Mantralaya, Mumbai, to lodge First Information Report with Beed (Rural) Police Station against the concerned known erring officials and

the officials and the contractors, who could not be traced in the enquiry, with regard to the misappropriation of the Government funds by the District Superintendent, Agriculture Officer, Beed. It is also recommended by the Lokayukta that by mentioning the estimated amount of misappropriation in the said matter, the concerned police officials be requested to also investigate as to whether, apart from the said misappropriation, there is further misappropriation.

3. Petitioners contend that they have not been heard by the learned Lokayukta.

4. It may be noted that the Lokayukta did not issue specific direction against an individual or group of individuals. A direction has been issued to the Secretary of the State of Maharashtra to consider the matter and initiate the criminal proceedings against the erring officials in respect of the alleged misappropriation of the Government funds. It is further recommended by the Lokayukta that the police officials be requested to investigate as to whether there is further misappropriation in addition to the Government fund allegedly misappropriated by the District

Superintendent Agriculture Officer, Beed. It would be open for the petitioners to take appropriate steps as permissible in law, if the criminal proceedings are initiated against them.

5. Considering the above aspects of the matter, this petition need not be entertained in exercise of the extraordinary jurisdiction of this Court under Article 226 of the Constitution. The petition is devoid of substance. The Writ Petition stands dismissed.

Sd/-
[**SANGITRAO S. PATIL**]
JUDGE

Sd/-
[**R.M. BORDE**]
JUDGE

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