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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION No. 80 OF 2014

Mr. Adhiraj Dhairyashil Mane ... Petitioner
Vs.
Union of India & Ors. ... Respondents

Mr. Kirankumar Phakade, for the Petitioner.

Mr. Vijay Killedar, for Respondent No. 1.

Ms. A. V. Vhatkar, AGP for the Respondent – State.

Mr. Akshay Deshmukh i/b Uday Warunjikar, for Respondent Nos. 4 and 5.

CORAM : V. M. KANADE, &
Mrs. SWAPNA S. JOSHI, JJ.

DATE : SEPTEMBER 22, 2016

PC.

1. Heard the learned counsel appearing on behalf of the Petitioner and the learned counsel appearing on behalf of the Respondents. By this petition, which is filed as PIL under Article 226 of the Constitution of India, Petitioner is seeking following reliefs:

“(a) That this Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or

any appropriate writ, order or direction to Respondents to file their report showing the names of the persons who have misappropriated the Government Fund under the guise of making nursery under the Scheme declared by the Respondent No. 1 in view of the said Act of 2005.

- (b) That pending the hearing and final disposal of the petition, this Hon'ble Court be pleased to issue such writs, directions and orders as are appropriate directing Respondents that this Hon'ble Court be pleased to issue appropriate writ directing the Respondents to take appropriate action against such the persons who have misappropriated the Government Fund by way of filing FIR / Criminal Complaint for cheating and misappropriation of Government Fund.
- (c) Interim and ad-interim orders in terms of prayer clause (a) and (b) above.
- (d) Cost of this petition be provided for;
- (e) Any further order as this Hon'ble Court may deems fit and proper be passed in the interest of justice.”

2. Respondent No. 5 has filed a detailed affidavit in reply.

In paragraph 16 of the said reply, it is stated that the Petitioner has

made a grievance about the work which was done in 2011-2012. It is further stated in the said affidavit that upon receipt of the complaint, a committee was established under the Chairmanship of Dy. Chief Officer (Village Panchayat) of the Zilla Parishad, Satara. Secondly, it is stated in paragraph 14 of the said affidavit that the Petitioner ought to have first approached the Block and District level Grievance Redressal Mechanism, which is constituted under Section 19 of the National Rural Employment Guarantee Act, 2005.

3. In our view, the petitioner had an alternative efficacious remedy available and he should have exhausted that remedy first. PIL is, therefore, dismissed, reserving the right of the Petitioner to approach the District level redressal mechanism.

Sd/-
[Mrs. SWAPNA S. JOSHI, J.]

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

Vinayak Halemath