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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

PUBLIC INTEREST LITIGATION NO.111/2015

Manikrao Hanmantrao Rathod.
...Petitioner..

Versus

The State of Maharashtra & others.
...Respondents...

.....

Shri N.P. Patil Jamalpurkar, Advocate for petitioner.
Shri A.B. Girase, Government Pleader for respondent nos.1
to 5.

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**CORAM: DR.MANJULA CHELLUR, CJ. &
R.M. BORDE, J.**

DATE: 29.06.2017

ORDER :

- 1] Heard learned counsel for the parties.
- 2] It is not in dispute that one society by name Vimukta Jati Majoor Sahakari Sanstha situated at village Naiknagar (Murum) in the District of Osmanabad went into liquidation long back and there is nothing, to be

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referred to the said society, in existence as on today. The property bearing Survey No.54 admeasuring 1 Acre situated at Naiknagar (Murum) was in the name of said society and, therefore, the present Public Interest Litigation came to be filed having apprehension that some busybodies may grab the said property since it still continues to be in the name of the society and not showing the name of the Cooperative Department.

3] Though several allegations are made against the Chairman and others to express why the society went into liquidation, we are of the opinion that the same need not be gone into since it is not relevant for consideration of the grievance of the petitioner. In short, the petitioner's intention was to see that the property is not taken away by unauthorized persons and it should be used only for public purpose.

4] In this regard, a notice was published calling for objections before mutating the name of the Assistant Registrar, Cooperative Societies and till date, no objections came forward. Therefore, the property now stands in the name of the Assistant Registrar, Cooperative Societies.

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5] Learned counsel appearing for the petitioner further submits that since there is no proper health facility at the said village, the said land would be used for the establishment of Primary Health Centre, which would cater to the needs of not only the villagers in question, but also the surrounding villagers. If it could be utilized for Primary Health Centre, it would be in the light of establishment of proper health facility thereby achieving principles of directive policy i.e. discharging the duties as a welfare State.

6] In that view of the matter, we direct the petitioner to approach to the concerned Department by making a representation on behalf of the villagers so as to have a Primary Health Centre in the said village. Once such a representation is received, the same shall be considered since already there is a move for establishment of Primary Health Centre.

7] Amount of Rs.25,000/-, deposited by the petitioner at the time of filing the petition to show his *bona-fides*, shall be refunded to the petitioner to the extent of Rs.20,000/- and the balance of Rs.5,000/- be transmitted to the High Court Bar Association at

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Aurangabad for the purpose of establishing library.

8] The petition is accordingly disposed of. No
costs.

(R.M. BORDE, J.)

CHIEF JUSTICE