

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 71 OF 2016

Milind Ramesh Patil. ... Petitioner.
V/s.
The State of Maharashtra and others. ... Respondents.

Milind Ingole for the petitioner.
P.P.Kakade, AGP for the State.
C.G.Gavnekar for respondent Nos.2 and 4.

**CORAM : DR.MANJULA CHELLUR, C.J.
AND N.M. JAMDAR, J.**

DATE : 11th July 2017.

PC. :

The present petition is filed as *pro bono publico* by the petitioner pointing out certain mismanagement of the funds in the Gram Panchayat of Sheegre in Raigad district. As per the averments in the petition, when an audit was conducted by the internal auditors of the Zilla Parishad so far as the above Gram Panchayat is concerned for the years 2007-08, 2008-09 and 2009-10 in terms of page-131 onwards, certain irregularities were found i.e. without calling for tenders the contracts were awarded for various works to different people, therefore, it might have caused some loss to the Gram

Panchayat. The audit report from page-131 onwards was sent along with a covering letter dated 30th November 2010 (Exh.F). According to the petitioner, in spite of several representations made to the Chief Executive Officer of Zilla Parishad pointing out the observations made in the internal audit report in respect of above Gram Panchayat, no action whatsoever has been taken by the respondent authorities. Therefore, there is possibility of huge loss to the funds of the Gram Panchayat concerned by adopting dubious method in allotting the contracts.

2. This petition is filed in the year 2016. Though reply-affidavit is placed on record, nothing is placed on record so far as action taken with regard to the internal audit report and what course of action taken on the audit report of internal auditors of Zilla Parishad except saying that the petitioner has personal interest in the matter. It is contended that since one Gram Sevika working in the above Gram Panchayat is the sister-in-law of the petitioner and the petitioner has strained relations with his wife, therefore, all such allegations are made.

3. We fail to understand, in the absence of the said Gram Sevika having any role to play either in allotting the contracts or executing the contract itself by taking some benefits, even if the petitioner is in inimical terms with his sister-in-law who is Gram

Sevika, why the Gram Panchayat should suffer for the said relations, that too in the absence of any contention that the Gram Panchayat itself being involved in the personal disputes of the petitioner. In the absence of such contention, we are of the opinion that such defence is erroneous and need not be considered.

4. On the other hand, under the Right to Information Act, the petitioner has obtained copies of the internal audit report conducted by the Zilla Parishad and the said document not being questioned or disputed by the respondent- Zilla Parishad, we fail to understand how the Zilla Parishad can question the *locus standi* of the petitioner. Normally, in normal circumstances, we would expect the local persons to know certain things about the locality and the administration. They may also get such information through media either from television, radio or newspaper or they may get information through some acquaintance from the other area. Merely, the petitioner being resident of Mumbai, we cannot suspect his bonafides in the light of internal audit report being placed on record which is not disputed. Though the respondent- Zilla Parishad collected all personal information of the petitioner with regard to Gram Sevika being related to him, why they have not said anything about the objections raised in the internal audit and the same raises suspicion. When the entire allegations are against the inaction on the part of Zilla Parishad so far as the above Gram Panchayat is

concerned, in the light of audit report which is not disputed, in the normal circumstances we would expect the statements in that regard. Surprisingly, nothing is said about it.

5. Under these circumstances, we dispose of this public interest litigation by directing the Chief Executive Officer of the Zilla Parishad to enquire into the opinion or the objections or the doubts raised in the audit report of the internal auditors of the Zilla Parishad, so far as the above Gram Panchayat is concerned, and do the needful. Such exercise must be done within a period of three months from today.

(N.M. JAMDAR, J.)

CHIEF JUSTICE