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

PUBLIC INTEREST LITIGATION NO.8 OF 2018

Dadu s/o Sudam Patekar ... PETITIONER

**VERSUS**

The State of Maharashtra & ors. ... RESPONDENTS

.....  
Mr. Shaikh M.A. Jahagirdar, Advocate for petitioner  
Mrs. A.V. Gondhalekar, A.G.P. for State  
Shri S.S. Wagh, Advocate holding for  
Shri S.T. Shelke, Advocate for respondent Nos.6 and 7  
.....

CORAM:    PRASANNA B. VARALE AND  
                  MANISH PITALE, JJ.

DATED :    5th SEPTEMBER, 2018.

ORAL ORDER :

1.            By present Public Interest Litigation, a limited grievance is raised before this Court. The submission is, the petitioner is resident of village Bhalvani, Taluka Parner, District Ahmednagar. The petitioner submits that, he is not having any personal interest in the subject matter and he is only espousing the cause of public at large. The basic prayer in the petition is prayer "A" and by way of an interim prayer, the petitioner prayed

for issuing directions to respondent No.5 to constitute a special investigating team to enquire and investigate into misappropriation of amount of grants received under the scheme of Water Supply and illegalities committed by the respondent authorities, officers etc.

2. The petitioner was directed to deposit an amount of Rs.10,000/- to show his bona fides by order dated 17.1.2018 and accordingly, the amount is deposited in this Court on 25.1.2018. It is stated that, the State of Maharashtra floated a scheme by Government Resolution dated 27.7.2000 for proper supply of water to the villages who were receiving per capita less than 40 litres of water per day.

3. Perusal of the petition shows that, the State of Maharashtra initially issued a Government Resolution on 22.12.2000 and subsequently, Government Resolution dated 3.9.2001 is issued. It seems that, the Central Government issued certain guidelines and suggestions to the State Government for implementation of the scheme so as to provide water, being the basic need at the grass root level i.e. in the rural area. Then the modalities and other aspects of availability of the funds, distribution of the funds, utilisation of the funds are referred to in the said Government Resolution. A document is

placed on record to show that an amount of Rs.2,15,41,662/- was utilised for the said water scheme at village Bhalvani. The work was initiated on 5.12.2008 and was completed on 2.7.2013. Various activities were undertaken in the scheme and these activities are referred at Page 29, clause 12 of the Paper Book. Now the grievance of the petitioner is, though the resolution specified for the scheme to be undertaken by allotment of the contract to a qualified agency, the Panchayat itself took over the activity and completed the work. Thus, it is alleged that, in connivance with the Panchayat members and Sarpanch and with some officials of the Zilla Parishad, mischief was played.

4. The counsel then invited our attention to the representation placed on record and submits that, the authorities of State of Maharashtra were apprised namely, the Hon'ble the Chief Minister, the District Collector of Ahmednagar, the Chief Executive Officer, Zilla Parishad, Ahmednagar. It is, thus, the grievance of the petitioner that, though the authorities were made aware of these misdeeds, no action is initiated against the erring person. On the backdrop of these submissions, if the petition is perused, it reveals that, a complaint was made to the Block Development Officer, Higher Grade, Panchayat Samiti, Parner through the petitioner himself. The Block Development Officer submits his report to the Chief Executive Officer, Zilla

Parishad, Ahmednagar on 20.11.2017. It seems that, the Block Development Officer was directed from the office of the Deputy Chief Executive Officer through a communication dated 4.2.2016 to conduct some enquiry and in response to the communication dated 4.2.2016, the Block Development Officer submitted his report. It is stated that, in view of the very communication dated 4.2.2016, one Extension Officer, Panchayat Samiti Shri S.S. Nannaware submitted his enquiry report. The reference is made to points of the enquiry report. It seems that the Education Officer undertook the exercise of verification of the documents and then the Block Development Officer submits that certain irregularities and misdeeds are found in the work. The Block Development Officer also refers to four points of these irregularities in his report with a request to the Deputy Chief Executive Officer that necessary action be taken. The report is submitted. The report is of 20.11.2017. Now this fact clearly shows that the preliminary enquiry was conducted and now the matter was pending for further action at the level of the Deputy Chief Executive Officer, Zilla Parishad, Ahmednagar. Considering the grievance raised by the petitioner and considering this particular document, report dated 20.11.2017, in our opinion, the petition itself can be disposed of by directing the Deputy Chief Executive Officer, (Gram Panchayat), Zilla Parishad, Ahmednagar to take appropriate steps on the report dated 20.11.2017 as

expeditiously as possible and preferably within ten weeks from the date of the order of this Court. We further make it clear that the competent authorities i.e. either the Deputy Chief Executive Officer of Zilla Parishad, Ahmednagar or the Chief Executive Officer, Zilla Parishad, Ahmednagar may accordingly take steps against the erring officers including the departmental action and also if a mischief covered under any criminal act under the Indian Penal Code, action be initiated against such a private person by lodgment of report to appropriate police authority. We further make it clear that, though we directed the Deputy Chief Executive Officer of Zilla Parishad and/or the Chief Executive Officer, Zilla Parishad, the petitioner himself is also not prevented to approach the police authorities in case he is willing to set the criminal law in motion.

5. In our opinion, these directions would meet the ends of justice and would redress the grievance of the petitioner raised in the petition. Accordingly, the Writ Petition is disposed of with above referred directions.

6. In view of the fact that the petitioner deposited an amount of Rs.10,000/- in this Court, to show his bona fides, we permit the petitioner to withdraw the amount of Rs.5000/- (Rupees five thousand only) out of Rs.10,000/- and the counsel

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fairly submitted an amount of Rs.5000/- (Rupees five thousand only) be diverted in the Hon'ble Chief Minister's Distress Relief Fund for Kerala Relief. Office to act accordingly.

(MANISH PITALE)  
JUDGE

(PRASANNA B. VARALE)  
JUDGE

fmp/-