

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.1142 OF 2018

- 1) Dnyanmandir Sarvajanik
Vachnalay-Tikhi,
Through its Chairman,
Dattatraya s/o Kanhoba Dalvi,
Age-50 years, Occu:Agri.,
R/o-Tikhi, Post-Kokangaon,
Tq-Karjat, Dist-Ahmednagar,
- 2) Sheneshwar Shaishenik Sanstha,
Nimbenandur-Vihere,
Through its Chairman,
Rajajee s/o Sonaji Budwant,
Age-55 years, Occu:Agri.,
R/o-Nimbe-Nandur, Tq-Shevgaon,
Dist-Ahmednagar,
- 3) Makavanti Sahakari Doodh Utpadak
Sanstha Ltd. Maka, At-Maka,
Through its Chairman,
Bhanudas s/o Laxman Mhaske,
Age-48 years, Occu:Agri.,
R/o-Maka, Tq-Newasa,
Dist-Ahmednagar,
- 4) Grampanchayat Pachunda,
At-Pachunda,
Through its Sarpanch,
Karbhari s/o Kondiba Takle,
Age-65 years, Occu:Agri.,
Tq-Newasa, Dist-Ahmednagar,

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Principal Secretary,
Department of Revenue and Forest,
Mantralaya, Mumbai-32,
- 2) The Principal Secretary,
Department of Agricultural,
Animal Husbandry & Fisheries,
Mantralaya, Mumbai-32,
- 3) The District Collector,
Ahmednagar,
- 4) The District Deputy Registrar,
Co-operative Society,
Ahmednagar,
- 5) The Tahsildar, Newasa,
Tq-Newasa, Dist-Ahmednagar,
- 6) The Sub-Divisional Officer,
Shrirampur Division,
Shrirampur, Dist-Ahmednagar,
- 7) The Sub-Divisional Officer,
Karjat Division, Karjat,
Dist-Ahmednagar.

...RESPONDENTS

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Mr.Narendra B. Patekar Advocate for
Petitioners.

Mr.A.B. Girase, G.P. for Respondents.

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**CORAM: S.S. SHINDE AND
S.M. GAVHANE, JJ.**

DATE : 31ST JANUARY, 2018

ORDER :

1. In this Petition the Petitioners have

challenged the communication dated 24th October, 2017 issued by the Resident Deputy Collector, Ahmednagar whereby instructions are given to lodge First Information Report against such of individuals or the societies operating fodder depots on account of commission of irregularities.

2. In the similar fact situation, the Division Bench of this Court (CORAM: R.M. BORDE & SMT. VIBHA KANKANWADI, JJ.) in Writ Petition No.13987 of 2017 (Kamdhenu Sahakari Doodh Utpadak Sanstha Ltd., and others vs. the State of Maharashtra and others), and other connected Writ Petition, on 7th December, 2017, passed following order:

" Challenge is raised to the communication issued on 24.10.2017 by the Resident Deputy Collector, Ahmednagar, instructing to lodge First Information Report against such of individuals or the societies operating fodder depots on account of commission of irregularities.

2. Learned AGP states on instructions that appropriate care would be taken to scrutinise each of the matter before lodging First Information Report.

3. The decision taken by the authority on the basis of subjective satisfaction to initiate criminal prosecution and lodge First Information Report obviously would not be subjected to judicial scrutiny. It would be open for the Petitioners to challenge final decision of respondents categorising the petitioners in the black-list, as and when such decision is taken.

4. In view of above, writ petitions stand disposed of."

3. Taking the same view and for the same reasons as stated in the order dated 7th December, 2017, passed in Writ Petition No.13987 of 2017 and other connected Writ Petition, referred above, this Petition also stands disposed of.

[S.M. GAVHANE, J.]

[S.S. SHINDE, J.]