

(1)

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

PUBLIC INTEREST LITIGATION NO.92 OF 2017

Keshav Rama Muddewad,
Age: 40 years, Occu: Councilor
of Bhokar Municipal Council,
R/o: Bhokar, Tq. Bhokar,
Dist. Nanded

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Urban Development Department,
Mantralaya, Mumbai-32
2. The Director,
Municipal Administration Department,
Worli, Mumbai-30
3. The Collector, Nanded,
Tq. & Dist. Nanded
4. The District Administrative Officer,
Municipal Council Administration,
Nanded, Tq. & Dist. Nanded
5. The Chief Officer,
Municipal Council, Bhokar,
Tq. Bhokar, Dist. Nanded

..RESPONDENTS

Mr S. C. Bhosale, Advocate for petitioner;
Mrs A. V. Gondhalekar, A.G.P. for respondent Nos.1
to 3;
Mr R. M. Shinde, Advocate for respondent No.5

**CORAM : PRASANNA B. VARALE &
RAVINDRA V. GHUGE, JJ.**

DATE : 11th SEPTEMBER, 2018

ORAL ORDER :

The grievance of the petitioner in the present public interest litigation is, no action is initiated by respondent authorities in respect of audit report for the financial year 2014-2015. The petitioner submits before this Court that the petitioner is espousing the cause of the public.

2. Considering the submission of the petitioner, Division Bench of this Court, by order dated 16th August, 2017 converted writ petition into Public Interest Litigation. The petitioner was directed to deposit the amount of Rs.10,000/- to show his bonafide within stipulated period of two weeks from the date of order i.e. from 18th January, 2018 and the Division Bench issued notice to the respondents. Learned A.G.P. was permitted to file reply.

3. Learned A.G.P. firstly invited our attention to the communication received by the

(3)

office of Government Pleader some time in the month of February, 2018. It is stated in the communication that the petitioner raised his grievance by way of representation to the Collector in respect of certain irregularities in the affairs of the Municipal Corporation. The representation of the petitioner was not only looked into by the Collector but the Collector of the District Nanded taking note of the grievance raised in the representation constituted committee of three members i.e. District Administrative Officer, Nanded, Nayab Tahsildar, Himayatnagar and Civil Engineer of Nagar Parishad, Umari to conduct an inquiry. It was submitted before us by communication in the month of February, 2018 that the report of the committee is awaited.

4. Mrs. Gondhlekar, learned A.G.P. invited our attention to the affidavit in reply filed on behalf of the Collector, Nanded, through Rajendra Vasantrao Chavan, District Administrative Officer and submitted that three members committee

(4)

submitted its report to the District Collector and the Collector was apprised of the factual position. The District Collector, Nanded on scrutiny of the report took immediate steps and issued certain orders. The resolution passed by the general body of the Municipal Council bearing No.5 dated 22nd December, 2014 was stayed. The Municipal Council was directed to appoint Superintendent in charge for the matters of general body meetings. The presiding authority was directed to sign minutes of the meeting within seven days of the meeting. Considering the audit report, District Collector directed the Chief Officer to comply with the audit paragraphs of the year 2014-15 and submit to higher authorities for further action.

5. Thus, the Collector is also keen to take appropriate action as and when audit report for the year 2015-16 is received by him and on verification of the disbursement of local fund and utilization of the fund and fact situation reflected in the audit report, District Collector may take

(5)

appropriate action. Thus, what reveals from the affidavit in reply filed by the District Administrative Officer is, all necessary steps are taken by the District Collector. Considering grievance raised in the representation of the petitioner, the District Collector, Nanded looked into the matter personally and without wasting time, firstly appointed three member committee, called the report of the committed and on receipt of the report of the committee, initiated action by issuing directions to the various authorities.

6. In view of these facts, we are of the opinion, the purpose to approach this Court by the petitioner is served and the grievance raised in the public interest litigation is addressed and redressed by the District Collector with prompt action. No purpose could be served by keeping the public interest litigation pending in view of above referred facts. The public interest litigation is accordingly disposed of.

(6)

7. The petitioner had deposited amount of Rs.10,000/- (Rs. Ten thousand only) in this Court to show bonafides. Registry is directed to refund the amount of Rs.5000/- (Rs. Five thousand only) to the petitioner and the amount of Rs.5000/- (Rs. Five thousand only) be deposited in Chief Minister's Relief Fund for State of Kerala.

(RAVINDRA V. GHUGE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

Tupe