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

PUBLIC INTEREST LITIGATION NO.102 OF 2018

Ramesh s/o Taterao Gaikwad,
Age: 35 years, Occu: Social Work,
R/o: Plot No. A-6/7, 11 scheme,
near water tank, Shivaji Nagar,
Garkheda Parisar, Aurangabad

..PETITIONER

VERSUS

1. The State of Maharashtra,
(through its Secretary),
Food, Civil Supplies,
Consumer Protection Department,
Mantralaya, Mumbai-32
2. The Divisional Commissioner,
Aurangabad
3. The Deputy Commissioner (Supply),
Aurangabad
4. The Collector,
Aurangabad
5. The District Supply Officer,
Aurangabad
6. The Tahsildar, Paithan,
District Aurangabad

..RESPONDENTS

Ms Pradnya Talekar, Advocate for petitioner;
Mr S. Y. Mahajan, A.G.P. for respondents

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

DATE : 21st August, 2018

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ORAL ORDER:

Heard Ms Talekar, learned Counsel appearing on behalf of the petitioner and learned A.G.P. for respondents.

2. The petitioner is claiming himself to be a social worker. Ms Talekar, learned Counsel for the petitioner invited our attention to the document placed on record, i.e. the report made by the Sub-Divisional Officer, Paithan - Phulambri to the Collector of District Aurangabad. She submits that there are as many as three points referred to in the said communication. Insofar as point No.1 is concerned, it is in respect of distribution of certain certificates from the facility centre known as E-Seva Kendra. It also refers to preparation of fabricated certificates and preparation of certain bogus seals. Perusal of the communication shows that insofar as point No.1 is concerned, an offence is already registered in Paithan Police Station on 11th August, 2016 for commission of offence under Sections 464, 465, 468, 470, 471, 472, 473 read with Section 34 of the Indian Penal Code.

3. Insofar as point No.2 is concerned, it relates to certain complaints made against non-payment of electricity bills and non-payment of occupation charges or the rental charges. Perusal of the communication further shows that one Mr Bhausahab Sarjerao Kale was running facility centre at Paithan. It seems that the space was made available to Mr Kale to run facility centre at Paithan. In the said communication it is further

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stated that the material is not available insofar as whether notices are issued to Mr Kale seeking recovery of the rent amount as per any agreement between the parties.

4. Learned Counsel for the petitioner, by inviting our attention to point No.3 of the said communication, vehemently submits that point No.3 relates to a serious act and this act is of preparation of bogus ration cards and distributing the same to the public in general. Perusal of the communication further shows that audit was conducted and in the audit report itself, the auditor raised the objection insofar as distribution of the ration cards is concerned. In tabular form, it is stated about the various ration cards, forms of the ration cards, etc. It is common knowledge that these ration cards bearing different colours i.e. yellow, orange, etc. are for the income groups, status etc. The communication then also refers to the total amount which ought to have been received by the State Treasury against these ration cards. It further states that expected amount was of Rs.13,96,970/-, whereas against this amount, the amount received in the State Treasury was Rs.4,40,939/-. Thus, the audit report opined that there is difference of amount to the tune of Rs.9,56,031/-. It further refers to an action initiated on the basis of the audit report against the then Naib Tahsildar. The communication further shows that the then Naib Tahsildar Mr N. V. Deshatwad was transferred from Tahsil Office, Paithan and a notice was issued to him and he is called upon to submit his explanation. The Sub-

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Divisional Officer, with these material facts apprised the Collector the fact situation and requested him to take appropriate action.

5. The aforesaid communication is of 5th July, 2018 and the present petition is filed on 6th August, 2018. Learned Counsel for the petitioner made submission that no action is taken by the Collector. It is her submission that the authority is sitting tight over the matter and there is inordinate delay in the matter.

6. Taking the sequence of the events as referred to above, we are unable to accept the submissions for simple reason that the communication is submitted to the Collector on 5th July, 2018 and the petition is filed on 6th August, 2018 i.e. within a month. On perusal of the material available to him including the records of the office, the Collector will certainly take action by applying his mind. What the petitioner expects is, the Collector to act in the matter with an electrifying speed and take a decision within a period of two weeks and as the decision is not taken within a fortnight, the submission is, there is inordinate delay.

7. The District Collector is a competent and responsible officer and we have no reason to say that the Collector will not discharge his duties with a seriousness. Learned Counsel for the petitioner though made an attempt to submit before us that there is mischief played which involves a criminal act,

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there cannot be any dispute if the petitioner is of the opinion that the act committed by any person involves an element of criminal action and comes within compass of any offence under the Indian Penal Code, he is not prevented to take recourse to the remedies available under the law including approaching appropriate police station for lodgement of the report.

8. Learned Counsel for the petitioner fairly submits before us that there is one complaint lodged against Mr Kale and the petitioner himself had not approached the police station.

9. Considering the aforesaid discussion, we are of the clear opinion that the petition is premature. The authority like the Collector certainly needs some time to take decision. If the decision is taken by the Collector and if the petitioner is having any grievance, he is at liberty to take appropriate steps and avail remedies before any competent forum including judicial forum.

10. With the aforesaid observations, the petition is disposed of. We hope and trust that the Collector will certainly take an appropriate decision as expeditiously as possible.

(MANISH PITALE, J.)

(PRASANNA B. VARALE, J.)

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