

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

PUBLIC INTEREST LITIGATION NO. 109 OF 2018

Ashatai Madhav Kalyan and others ...Petitioners

Versus

The State of Maharashtra and others ...Respondents

Mr. G.R. Syed, Advocate for Petitioners
Mrs. A.V. Gondhalekar, AGP for Respondent/State

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

DATE: 21st SEPTEMBER, 2018

PER COURT:-

1. Though the Petition is styled as a “Public Interest Litigation” and though petitioners claimed that they are espousing the cause of public, on perusal of the material placed on record, we are unable to entertain the Petition as a Public Interest Litigation. The petitioners are the elected members of the Nagar Panchayat. The grievance is, there is no proper allocation of the funds and the other grievance is that certain misdeeds and mischiefs are played in the schemes undertaken by the Nagar Panchayat. When the petitioners themselves are the elected members of the Nagar Panchayat, they have the

remedies available to raise the grievance in house. The other grievance is of some mischief and misdeeds in the schemes undertaken by the Nagar Panchayat and our attention was invited to the representation. The representation only vaguely states that there is a mischief played. Apart from this vagueness in the representation, there is no material on which these petitioners arrived at a conclusion that this mischief or misdeed was in the nature of a criminal act so as to cause either any inquiry against the erring persons or this act involves a criminal act for which the erring persons are required to face the criminal prosecution. With such a vague material and with an inadequate attempt of the petitioners to raise the grievance, we are unable to entertain the Petition, much less, the Petition as a Public Interest Litigation.

2. It is also not in dispute that the petitioners are having other efficacious remedies for redressal of their grievance, if the petitioners have grievance of improper appointments.

3. The Public Interest Litigation is accordingly dismissed at the threshold.

(MANISH PITALE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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