

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.12009 OF 2017
ALONGWITH
CIVIL APPLICATION NO.757 OF 2018**

Shri Khanderao Shankar Patil

And Others

... Petitioners

Versus

The State of Maharashtra

Through Secretary

Revenue & Forest Department

And Others

... Respondents

.....

Mr. Tejpal S. Ingle for the Petitioners.

Mr. Sandeep Babar, AGP for Respondent Nos.1 and 2.

Ms. Vaishnavi Gujrathi I/b Uday Warunjikar for Respondent No.3.

Mr. K.U. Patil for Respondent No.4.

.....

**CORAM : SHANTANU KEMKAR &
SARANG V. KOTWAL, JJ.**

DATE : 11 SEPTEMBER 2018

P.C. :

. Parties through their Counsel.

2 On 26 March 2018, when the matter come up before this Court, this court in paragraphs-2 and 3 has directed as under :

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2 Meanwhile, respondent No.2-Collector-Satara is directed

to dispose of the petitioner's representation dated 11th May 2017, a copy of which is annexed at "Exhibit-E". Respondent No.2-Collector-Satara shall decide the said representation independently on its own merits and only after hearing the petitioner and all concerned. This order should not be construed as expression of any opinion on merits. Respondent No.2-Collector shall prepare the report and submit the same before this Court on the next date.

3 In order to enable respondent No.2-Collector-Satara to comply with this order, the petitioner shall remain present before him on 4th April 2018, at 11.00 am. along with the copy of this order as well as copy of the aforesaid representation."

3 Learned Counsel appearing for the Petitioners submits that in the petition, the Petitioners have also alleged misuse of fund in construction of Gram Panchayat building, but the same was not part of the representation-Exhibit 'E' and in the petition, in the circumstances that was not ordered to be enquired and as a result that part is not in the report dated 3 September 2018 submitted by the Collector, Satara.

4 Having considered the submissions made by learned Counsel for the parties, we dispose of the petition by taking the said report dated 3 September 2018 on record and by directing the concerned authority to take the said report to its logical end. In addition, we also direct the Collector, Satara to enquire into the allegations of the Petitioners in regard to alleged misuse of fund whilst construction of Gram Panchayat building. Let firstly this aspect of the matter be considered and decision to that effect

be taken by the Collector within two months after giving opportunity of hearing to the Petitioners and all concerned and thereafter to proceed on the report dated 3 September 2018 and the further report on the left out issue. The follow up action be taken by the concerned authority immediately.

5 With aforesaid directions, the petition is disposed of.

6 In view of disposal of the petition, Civil Application No.757 of 2018 does not survive and the same is also disposed of.

[SARANG V. KOTWAL, J.]

[SHANTANU KEMKAR, J.]