

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL PUBLIC INTEREST LITIGATION NO. 45 OF 2017

Mr. Ansari Rizwan Ahmed	
Mohammed Akbar	..Petitioner
versus	
State of Maharashtra & Anr.	..Respondents

Mr. Dharma Raj i/b. PRS Legal for Petitioner.
Ms S. V. Sonawane – APP for State.

**CORAM: S. C. DHARMADHIKARI &
SMT. BHARATI HARISH DANGRE, JJ.**

DATE : 09TH JANUARY, 2018

P. C. :

1] The petitioner claims to be a public spirited citizen. He is resident of Malegaon. He is also claiming to be a social activist. He has filed this petition alleging that there are irregularities in a contract awarded by Malegaon Municipal Corporation to one Watergrace Products, Nashik, a proprietary concern of one Chetan Prithviraj Bora. There is a serious complaint about failure to lift garbage resulting in serious hardship to the residents. Upon obtaining certain information by invoking The Right to Information Act, 2005, the petitioner has further alleged that the total value of the contract is more than Rs.57 crores, while awarding it no verification has been made by the Corporation about the credentials and particularly the experience of the contractor. Thus the terms and conditions of the contract have not been fulfilled by this agency / contractor, yet the work is awarded to him.

2] The allegation is that this is a scam and that representations have been made to all the higher authorities including the Municipal Commissioner but no cognizance is taken thereof.

3] We have heard the learned Advocate for the petitioner for some time. We do not find that beyond addressing a representation the petitioner has made any attempt to set the criminal law in motion. If the contract was awarded in the year 2015 as alleged in this petition, we do not find any attempt being made by the petitioner till 26th September 2017 to approach the competent police machinery or in the event that is unable to render any assistance to the competent criminal court. The parties like the petitioner are aware that they can seek intervention of the police machinery by approaching the local police station and in the event any assistance is refused then to move the higher authorities in the police machinery. Even thereafter if no FIR is registered though cognizable offences are allegedly committed then nothing prevents the petitioner from approaching the competent criminal court with a private complaint. We see no reason for parties like the petitioner rushing to this court in every possible case of alleged irregularity or illegality in the award of contracts by public bodies.

4] Once the above remedies are available but are not invoked in this case, we are not obliged to entertain this petition. It is disposed of with liberty as above.

(SMT. BHARATI H. DANGRE, J.)

(S. C. DHARMADHIKARI, J.)

Chandka