

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

**PUBLIC INTEREST LITIGATION NO.63 OF 2019
WITH
CIVIL APPLICATION NO.8666 OF 2019**

Mahadev s/o. Ramkisan Andhale ..Petitioner

Vs.

The State of Maharashtra
and ors. ..Respondents

Mr. M.R.Andhale, Advocate for petitioner
Mr. A.V.Gondhalekar, Addl. Govt. Pleader for respondent
nos.1 and 2
Mr. P.R.Katneshwarkar, Advocate for respondent nos.3
to 5
Mr.R.G.Hange, Advocate for intervenor

**CIVIL APPLICATION NO.8825 OF 2019
IN
PUBLIC INTEREST LITIGATION NO.63 OF 2019**

Ratnakar s/o. Sitaram Joshi ..Applicant

Vs.

Mahadev s/o. Ramkishan Andhale
and ors. ..Respondents

Mr. R.G.Hande, Advocate for applicant
Mr. M.R.Andhale, respondent no.1 (Petitioner-in-person
in P.I.L.)
Mr. A.V.Gondhalekar, Addl. Govt. Pleader for respondent
nos.2 and 3
Mr. P.R.Katneshwarkar, Advocate for respondent nos.4
to 6

CORAM : PRASANNA B. VARALE

AND

R.G. AVACHAT, JJ.

DATE : JULY 30, 2019

ORAL ORDER :-

Heard Mr.M.R.Andhale, petitioner-in-person.

2. The cause represented by the party-in-person in the present Public Interest Litigation (P.I.L.), is in respect of disbursement of amounts in Lok Adalat, wherein parties have arrived at settlement.

3. The party-in-person submits that mischief is being played by certain parties in connivance with the Government officials and/or with the officials of the Corporation, namely, Godavari Pat Bandhare Vikas Mahamandal. The party-in-person submits that excess amounts were paid to the claimants without there being proper assessment of the material evidence in the matter. He submits that for receiving benefits, category of the lands was also changed and enhanced compensation was sought for.

4. On 18.06.2019, notice was issued to the respondent making it returnable on 30.07.2019.

5. Mr.Katneshwarkar, learned Counsel for respondent nos.3 to 5, tenders affidavit-in-reply on behalf of respondent nos.3 to 5. He submits that copy of the affidavit-in-reply has been supplied to the party-in-person. Our attention is invited to the communication dated 24.04.2019 between the Executive Engineer, Beed Irrigation Division, Beed and the Legal Advisor of Godavari Pat Bandhare Vikas Mahamandal, Aurangabad. This communication refers to a list of matters decided in various Lok Adalat held from 12.11.2016 to 10.02.2018. The tabular statement further refers to the total number of matters decided in Lok Adalat, the amount disbursed, which is less than four times and the amount disbursed, which is more than four times as per the Government Resolution dated 03.11.2016. It shows that in 120 matters, the amount disbursed is less than four times and in 250 matters, the amount disbursed is more than four

times. The Executive Engineer sought guidelines from the Legal Advisor in the issue.

6. Mr.Katneshwarkar further invites our attention to a report forwarded by the Legal Advisor of the Corporation. Perusal of the report shows that the Legal Advisor with the assistance of his Associates, personally visited the office of the Executive Engineer, Beed Irrigation Division, Beed, on 02.05.2019 and took inspection of the documents. It is stated in the report that the exercise of inspection was undertaken till late hours of the day i.e. till 08.00 p.m. It is also stated that the Executive Engineer, though was on leave, made himself available, so as to provide all necessary assistance to the Legal Advisor and his Associates. The Legal Advisor found some disturbing facts.

7. The Legal Advisor, in his report, referred to certain irregularities. One of the irregularities is that without obtaining opinion from the Legal

Advisor or without there being endorsement from the Legal Advisor, certain settlements were effected by the parties. It also refers to some Writ Petitions filed in this Court, wherein, the orders of settlement, were quashed and set aside. The Legal Advisor opined that said matters need immediate and thorough enquiry. He also suggested of filing proper proceeding including Writ Petition in this Court.

8. Mr.Katneshwarkar submits that the report of the Legal Advisor not only addresses the issues raised in the present P.I.L. but also suggests some remedial measures. It takes care of redressal of the grievance raised by the petitioner in the present P.I.L.

9. We have made reference in detail, to the report submitted by the Legal Advisor. We find considerable merit in the submissions of Mr.Katneshwarkar, learned Counsel for respondent nos.3 to 5.

10. Mr.Andhale, party-in-person, submits that some District level Officers were involved in certain misdeeds. When a query is made to Mr.Andhale, that whether any representation is made to superior Officers about the misdeeds of the District level Officers, he submits that he will take appropriate steps so as to take issue of misdeeds of District level Officers to their superior Officers.

11. In view of the above-referred facts, we are of the opinion that the purpose of approaching this Court by way of present P.I.L., is duly served. As such, the P.I.L. is disposed of.

12. Needless to state that in view of disposal of the P.I.L., no orders are required to be passed on the Civil Applications. The Civil Applications also stand disposed of.

[R.G. AVACHAT, J.]

[PRASANNA B. VARALE, J.]