

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

**PUBLIC INTEREST LITIGATION NO.97 OF 2019
WITH
PUBLIC INTEREST LITIGATION NO.98 OF 2019
WITH
PUBLIC INTEREST LITIGATION NO.99 OF 2019
WITH
PUBLIC INTEREST LITIGATION NO.100 OF 2019**

1. Keshav S/o Ramrao Bangar
Age: 38 years, Occu:Agriculture,
And Sarpanch of Gram Panchayat, Karhevadgaon
R/o Karhevadgaon, Tq.Ashti,
Dist. Beed.
2. Vilas S/o Gahininath Waybhase
Age: 43 years, Occu.Service,
R/o Chinchewadi, Tq.Ashti,
Dist. Beed.

PETITIONERS

VERSUS

1. The State of Maharashtra
Through Secretary,
Revenue and Forest Department,
Maharashtra State, Mantralaya,
Mumbai - 400 032.
2. The Collector,
Beed, District Beed.
3. The Tahasildar
Patoda, Tq. Patoda, Dist.Beed.

4. Suryabhan Baba Samajik Sanstha, Karhewadi
Tq. Ashti, Dist. Beed.
Though its President,
Mr. Ramdas S/o Suryabhan Kahde,
Age: Major, Occu: Business,
R/o Karhewadi, Tq. Ashti,
Dist. Beed.

RESPONDENTS

Mr V.D.Salunke, Advocate for the petitioners;
Smt G.L.Deshpande, A.G.P. for respondent- State;

**CORAM : PRASANNA B. VARALE &
R.G. AVACHAT, JJ.**

DATED : 20th AUGUST, 2019

ORAL ORDER:

These four public interest litigations are filed raising a common cause. As such, these four petitions are taken up together for hearing and disposal with consent of Mr. Salunke, learned Counsel appearing for the petitioners and the learned A.G.P. appearing for respondent Nos.1,2 and 3.

2. Mr Salunke, learned Counsel by inviting our attention to the documents placed on record, submitted

that respondent No.4-Society namely, Suryabhan Baba Samajik Sanstha, Karhewadi was selected as a beneficiary Society under the State Government Scheme floated under Government Resolution dated 25th January, 2019 with an aim for establishing the cattle camps.

3. This decision was taken by the State Government on the backdrop of a serious drought situation in many districts of State of Maharashtra. It is stated that as per the earlier decision of the State Government 26 districts of State of Maharashtra, 151 talukas, 268 Revenue Circles and 931 villages are declared as the areas facing either drought situation or drought like situation.

4. Considering all this fact situation, State Government in its wisdom thought it fit to permit certain agencies to open cattle camps so as to provide fodder and water to the animals. Copy of the Government Resolution

dated 25th January, 2019 placed on record at Exhibit-A shows that it deals with prerequisites, such as conditions for opening cattle camps, modalities of supervision and supply of fodder. Broadly it can be said that this Government Resolution takes care of the infrastructural facilities, such as sheds for the cattles, separate sheds for ailing cattles, so that other healthy cattles are not subjected to the health hazards.

5. The periodical inspection of fodder, registration of the cattles, upkeeping of the data, regular visits to these cattle camps by the Revenue authorities at various levels such as, Animal Husbandry Development Officer (Extension), Panchayat Samiti, Block Development Officer and Tahsildar. It also refers to the visit by other officers, such like Sub Divisional Officer, District Animal Husbandry Commissioner, Additional Commissioner, District Animal Husbandry

Officer, Assistant Commissioner. This refers to the fortnight visit in co-ordination by these Officers. It also refers to the modalities of the disbursements of funds.

6. It is the submission of Mr. Salunke, learned Counsel for the petitioners, that respondent No.4 by taking benefit of the Government Scheme though established cattle camps at various places, subsequently respondent No.4 used these cattle camps for its personal gain by either not maintaining record properly or by misrepresentation of the facts to the authorities concerned. It is also the submission of Mr. Salunke, learned Counsel that complaints were submitted to various officers of the State Government at Block level and District level.

7. Our attention was invited to one of the orders passed by the Sub Divisional Officer, Patoda, Taluka

Patoda, District Beed i.e order dated 10th May, 2019 whereby on receiving the complaints, the Sub Divisional Officer found various irregularities in the said cattle camps maintained by respondent No.4 at the place namely, Sawargaon Ghat, Taluka Patoda, Dist. Beed. An exercise of enquiry was undertaken by the officer concerned. The Sub Divisional Officer found that there were various irregularities, as such, by the order dated 10th May, 2019 fine was imposed on respondent No.4 on various heads. The Sub Divisional Officer in the very order further directed that unless and until the penalty / fine is deposited, no further disbursement be granted in favour of respondent No.4 - Society.

8. Mr Salunke, learned Counsel for the petitioners invited our attention to the representation submitted to the Collector, Beed, dated 3rd July, 2019 to submit that, as there are various irregularities and some irregularities also lead to the act of causing loss to

the public exchequer, the District Collector, Beed was expected to take further steps either in the nature of enquiry or certain punitive action on his satisfaction against the erring society.

9. It is further submitted by Mr Salunke, learned Counsel that in spite of such representation submitted to the Collector and copies being supplied to either in the office of the Honourable Chief Minister or other concerned Ministers as well to the Divisional Commissioner, Aurangabad, no further steps are taken and the petitioners apprehend that if there is delay in action, respondent No. 4 may receive further funds and this would be again loss to the public exchequer. Such a loss to public exchequer be stopped at the earliest and with this *bona fide* intention, the petitioners are before this Court is the submission of Mr Salunke, learned Counsel appearing for the petitioners.

10. On a specific query put to the learned Counsel for the petitioners as to whether the petitioners are ready and willing to deposit certain amount to show their *bona fides*, he submitted that petitioner No.1 is Sarpanch and is agriculturist, whereas petitioner No. 2 is in service but also active in social work and as the cause of public is being raised, the petitioners be permitted to deposit reasonable amount in this Court to show their *bona fides*.

11. On the backdrop of the submissions of Mr. Salunke, learned Counsel for the petitioners referred by us above and on perusal of the documents placed on record, we are of the opinion that these Public Interest Litigations can be disposed of at the admission stage by issuing directions to respondents authorities and more particularly to the Collector, Beed.

12. In our opinion, these directions to the

Collector, Beed would meet the ends of justice and at the same time may not cause any prejudice to respondent No.4 as in our directions, we propose to direct the Collector to grant an opportunity of hearing to the petitioners and respondent No.4.

13. Considering the grievance raised in the petitions namely, mis-management and mis-representation in the scheme floated by the State Government with a laudable object, we direct respondent No.2 - the Collector Beed to immediately take cognizance of the representation submitted to him on 3rd July, 2019.

14. The Collector Beed, may undertake an exercise of enquiry. For such an exercise of enquiry he may seek reports from his sub-ordinate Officers, such as, Sub Divisional Officer, Tahsildar, Village Development Officer and Animal Husbandry Officers of Zilla Parishad. The Collector, Beed to conclude the exercise of enquiry

including seeking reports from sub-ordinates within three weeks.

15. The Collector Beed, if is *prima-facie* satisfied on receiving report, then, he may immediately pass the orders for stopping of disbursement of funds to respondent No.4.

16. While conducting enquiry and an exercise of concluding enquiry within three weeks on receiving report, the Collector to grant opportunity of hearing to respondent No.4. The hearing of respondent No.4 - Society be concluded within two weeks, as such, the exercise of receiving report of enquiry and hearing of respondent No.4 be concluded within three weeks.

17. In case, the Collector is of a *prima-facie* opinion of stopping the disbursement of funds to respondent No.4, he may pass appropriate orders within

one week. In case the Collector is of the opinion that apart from any civil consequences and punitive action against respondent No.4, other action in the nature of criminal action, such as lodgment of report against respondent No.4-Society, he may take such steps within three weeks thereafter.

18. Though we dispose these Public Interest Litigations with above referred directions, the Collector, Beed to submit his action taken report to this Court within ten weeks for perusal of this Court.

19. As the petitioners have shown their willingness to deposit the amount in this Court to show their *bona fides*, the petitioners to deposit Rs.5,000/- in each Public Interest Litigation thus totaling Rs. 20,000/- in four Public Interest Litigations in this Court within two weeks from today. On such deposit of the amount, the amount be transferred in the account of the Chief

Minister's Flood Relief Fund as early as possible.

20. Public Interest Litigations are accordingly
disposed of.

[R.G. AVACHAT, J.]

[PRASANNA B. VARALE, J.]