

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

PUBLIC INTEREST LITIGATION NO.123 OF 2019

Shaikh Suleman S/o Shaikh Bhayya,
age: 41 years, Occu: business & agriculture
r/o Ajwa-Nagar, Waluj, Ta. Gangapur,
Dist. Aurangabad

...PETITIONER

VERSUS

1. The State of Maharashtra
through Collector, Aurangabad.
2. The Chief Executive Officer,
Zilla-Parishad Aurangabad.
3. The Deputy Chief Executive Officer,
Village-Panchayat, Zilla-Parishad,
Aurangabad.
4. The Block Development Officer,
Panchayat Samiti Gangapur.
5. Subhash chiman Lavale,
The Village Development Officer,
Village Gram Panchayat Waluj.
6. The Sarpanch,
Village Gram-Paanchayat, Waluj.

...RESPONDENTS

Mr. S.A. Gaikwad, Advocate for Petitioner
Mr. S.S. Dande, AGP for Respondents-State

**CORAM : PRASANNA B. VARALE AND
ANIL S. KILOR, JJ.**

DATE : 11th NOVEMBER, 2019

PER COURT :

1. The present petition is filed in this Court under title as
'Public Interest Litigation' and in the title clause of the petition, it is

stated that the present PIL is presented in the matter of Article 226 of the Constitution of India for a direction to conduct an inquiry into the corruption of lakhs of rupees by the Sarpanch, Gram-Sevak and Members of Village Gram-Panchayat, Waluj, Dist. Aurangabad.

2. The statement is made in the body of petition in sub para 2 of para No. 1 that “...Because of the corrupt office bearers of Panchayat Samiti, the administrative officers in collusion with the Gram-Panchayat, Gramseavak, the citizens are facing many civic problems. In spite of receiving crores of rupees in the form of budget due to corruption by Sarpanch and Gramsevak, the garbages have been accumulated...” (emphasis supplied). Under the name of development, there has been lot of financial irregularities and corruption.

3. Then in sub para 3 of para 1, it is stated that during the year 2014, till end of December, 2018, the Gram sevak and Sarpanch have been withdrawing the amount in the name of stranger, who has no concern with the work done in any kind of work. It may be useful to state at this stage itself that the reference is made to a period ranging from the year 2014 to December, 2018, but only representation is submitted to the office of the Collector in the year 2018. There is no explanation provided anywhere in the petition that what prevented the petitioner to approach the authorities if the grievance was subsisting from year 2014, and if so, had the petitioner was waiting for long four years to raise their grievance by

representation submitted to the Collector only in the year 2018. Secondly, in so far as the issue of source of information is concerned, it is stated in the petition that therefore, the petitioner applied for information under the Right to Information Act, wherein the authority has not supplied the complete information. Therefore, the petitioner preferred an appeal before the appellate authority and the same is pending. Now, there is absolutely not a single document in support of any of the statements namely, either copy of an application submitted to an authority taking recourse to Right to Information Act, copy of an appeal being aggrieved by the information supplied and the same being unsatisfactory, the appeal is filed to the appellate authority. Without placing on record any of such material document, the petition is filed, under the caption of PIL. It would be again necessary and useful to refer to the Bombay High Court Public Interest Litigation Rules, 2010, and the proforma petition under the Rules, makes a reference to the declaration and undertaking and the expectation under the Rules is that thorough research has been conducted in the matter raised through the petition. If this is the minimum expectation, it was then certainly expected of the present petitioner to at least place on record the document in support of a statement in the petition that the petitioner has taken recourse to Right to Information Act, and there was an unsatisfactory reply. Being aggrieved by that, the petitioner has filed an appeal. Except making a bald statement, no material is placed on record and there is only an undue haste to drop the petition in this

Court, either with no details or with some statements or with the statements without support of any satisfactory document, the petition with number of lacunae, cannot be entertained by this Court as a Public Interest Litigation only because the petitioner's title the petition as a PIL.

4. It may also not be out of place to refer to the order of this Division Bench dated 3rd September, 2019, wherein though the submission was made by the learned Counsel for the petitioner that the relief claimed in the Public Interest Litigation, the Division Bench thought it fit to direct the petitioner to take appropriate steps and in spite of such observations, no care has been taken to present any material satisfying the minimum norms to entertain the petition being a Public Interest Litigation. Thus, the present petition being thoroughly merit-less and falls too short to satisfy this Court, to take cognizance of a petition as a Public Interest Litigation. The petition deserves to be dismissed at the threshold and the same is dismissed.

[ANIL S. KILOR]
JUDGE

[PRASANNA B. VARALE]
JUDGE

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