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

PUBLIC INTEREST LITIGATION NO.137 OF 2018

Shri. Rahul s/o Sudamrao Pachpute,
Age: 35 years, Father's Name:
Sudamrao s/o Sitaram Pachpute,
Occu: Agriculture,
R/o. At post Kashti, Tq. Shrigonda,
Dist. Ahmednagar

..PETITIONER

VERSUS

The State of Maharashtra,
Through its Principal Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai-32 & ors.

..RESPONDENTS

Mr S. R. Zambare, Advocate for petitioner;
Mr S. P. Sonpawale, A.G.P. for respondents/State

**CORAM : PRASANNA B. VARALE
AND
AVINASH G. GHAROTE, JJ.**

DATE : 19th September, 2019

ORAL ORDER:

Heard learned counsel appearing on behalf of the petitioner for quite some time.

2. The only grievance seems to be raised in the petition is that respondent No.9 – Trust, by preparation of forged and fabricated documents caused loss to the public exchequer and it was submitted

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further that by obtaining non agricultural permission on the basis of fabricated documents, the loss is caused to the public exchequer.

3. When a query was put to learned Counsel for petitioner that if there are the allegations of preparation of forged and fabricated documents, what steps are taken by the petitioner to approach law enforcing agency i.e. the police authorities, our attention was invited to a copy of the representation dated 16th April, 2018 as well as an un-dated representation to the Sub Divisional Police Officer, Karjat. Perusal of this document placed on record at Exh.'J' shows that it was submitted to the authority on 28th May, 2015. These are the representations to the Sub Divisional Officers of the respective divisions. Nothing prevented the petitioner to approach nearest police station and lodge a report, if any mischief is played and the mischief can be covered under the compass of the Indian Penal Code. Such exercise is not undertaken by the petitioner and only on an assumption that the documents are forged and fabricated, the petition is filed in this Court with a prayer to take action against respondent No.9 for committing illegality in respect of grant of permission. There cannot be any dispute that in respect of a plea as to whether the document is genuine, true or otherwise or fabricated, the appropriate and competent forum and agency will have to be moved and this Court, only on an

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assumption of the petitioner, cannot arrive at a conclusion that certain document is not genuine or fabricated one.

4. Learned Counsel for the petitioner, at this stage, prays for withdrawal of the present petition, with liberty to avail the other remedies as are available under the law.

5. The public interest litigation is allowed to be withdrawn and disposed of, with liberty as prayed for.

(AVINASH G. GHAROTE, J.)

(PRASANNA B. VARALE, J.)

sjk