

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
916 WRIT PETITION NO.12405 OF 2018**

NARSING GANGARAM SURYABHAN
AND OTHERS

..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Ravindra B. Narvade Patil, Advocate for the
Petitioners.

Mr. P. K. Lakhotiya, AGP for Respondents-State.

Mr. Nitin S. Kadam, Advocate for Respondent No.7.

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATED : 16th APRIL, 2019.

PER COURT:-

1. These petitioners challenge the order passed by the Lokayukta, so also the orders of the Government.

2. The learned counsel for petitioners submits that the Lokayukta has no jurisdiction to entertain the complaint after one year. In the present case the work was completed six years prior to the complaint being filed before the Lokayukta. The Lokayukta without issuing notices to petitioners and without hearing petitioners has passed the impugned order.

3. According to the learned counsel, the report was submitted to the effect that there is no irregularity on the part of petitioners in carrying

out work. The learned counsel submits that based on the orders of the Lokayukta the further steps are being taken by respondents. The learned counsel submits that respondents could not have proceeded ahead on the basis of the orders of the Lokayukta.

4. We have heard learned counsel for the respondents and learned A.G.P..

5. The order of Lokayukta nowhere names the petitioners. The order only is to the effect that action needs to be taken against the persons responsible for committing illegal act. Even prior to the order of Lokayukta, the order is passed on 02.12.2017 by the State Government to conduct enquiry with regard to the pending work, probably under the Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA).

6. The letter issued by the Block Development Officer to Extension Officer mentions about some irregularities.

7. Even otherwise, the State or any person can set the criminal law in motion.

8. In case the criminal law is set in motion, the person against whom the offence is registered or sought to be registered has got a remedy available to challenge the said proceedings.

9. In the present writ petition it would not be appropriate to preempt any decision. The petitioners are not specifically named by Lokayukta. The Lokayukta has not directed to register the criminal case against petitioners. It is for the State Government to consider who are the responsible persons. If upon the enquiry they find that person is responsible, then are certainly entitled to take action in accordance with law.

10. In light of the above, we are not inclined to entertain the petition. The writ petition is disposed of with observations that, in case some action is initiated against petitioners, the petitioners will have right to assail the same in accordance with law.

11. In that regard all contentions of the respective parties are kept open.

(A. M. DHAVAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE