

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

914 WRIT PETITION NO.14310 OF 2018

AMOL MANMATH PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr. S.B. Bhakar
h/f. Mr. P.B. Rakhunde.
AGP for Respondent Nos. 1 to 4 : Mr. S.R. Yadav.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 16th January, 2019

PER COURT :

1. Learned advocate for the petitioner has strenuously criticized the impugned order dated 18/04/2018, by which his application, seeking leave to prosecute the Chief Executive Officer of Zilla Parishad, Osmanabad and the District Collector of Osmanabad for having failed in conducting the elections of the Chairman and the Vice Chairman of the Panchayat Samiti, Kallam, has been rejected. Learned Advocate submits that the petitioner had sought prosecution of the two authorities under Section 197 of the Code of Criminal Procedure, 1973.

2. I have considered Section 197 and I find that when any public servant is accused of not discharging his official duties, no cognizance of any such offence can be taken except with the previous sanction of the competent authority under the Lok Pal and Lok Ayuktas Act, 2013.

3. Learned advocate for the petitioner submits, on instructions, that before moving his application before the Additional Commissioner, Aurangabad, on 14/03/2018, the permission as required under the Lok Pal and Lok Ayuktas Act, 2013, was not granted, though an application is pending.

4. In view of the above, I do not find that the impugned order could be termed as being perverse or erroneous. This petition being devoid of merit, is therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

S.P.C.