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

**CIVIL APPLICATION NO.11048 OF 2017
IN
WRIT PETITION NO.2406 OF 2015**

Ramlal s/o Kesharchand Lodha,
Age: 71 years, Occu: Agril.,
R/o : Potra, Tq. & Dist. Beed

..APPLICANT

VERSUS

The State of Maharashtra,
to Principal Secretary,
Department of Home,
Mantralaya, Mumbai & ors.

..RESPONDENTS

Mr V. D. Sonwane, Advocate for applicant;
Mr K. N. Lokhande, A.G.P. for respondents /State;
Mr B. R. Survase, Advocate for respondent Nos.4 to 6;
Mr V. S. Deshmukh, Advocate for respondent No.8

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 14th January, 2019

ORAL ORDER:

Heard Mr Sonawane, learned Counsel appearing on behalf of the applicant.

2. This is an application with prayer clauses (B) & (C), which read thus:

“B) The respondent State Government may kindly be directed to enquire in fresh regarding feasibility, viability and sanction accorded by the State Government and to review it as per the

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observation made by this Hon'ble High Court in order dtd. 11-2-2016 passed in P.I.L. No. 124/2014 and till then further work be stayed.

(C) The respondent no. 1 may kindly be directed to conduct the enquiry of Satra-Potra Storage Tank situated at village Satra-Potra, Tq. & District Beed through C.B.I. and to investigate a fraud committed by the concerned persons in respect of sanction, changing of site, acquisition of land, awarding of contract, issuing of work order, tender etc.”

3. Insofar as prayer clause (B) is concerned, admittedly, the petitioner is the person, who had not preferred Public Interest Litigation No.124 of 2014. In view of this fact, nothing comes out on the record to show that the applicant is having any locus to seek review of the order, which is passed in the petition filed by somebody else than the applicant/petitioner. On this very ground, we are not inclined to entertain the application.

4. Mr Sonawane, learned Counsel for the applicant/petitioner made an attempt to submit before us that the applicant/petitioner is not seeking review of the order passed by the Court but seeking review of the order passed by the State Government.

5. On a specific query made to learned Counsel for the applicant/petitioner, he admitted that the order of the State Government is/was under challenge in the public interest litigation. If the subject matter

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is in challenge in public interest litigation, again we see no reason to entertain this application submitted by the present applicant/petitioner.

6. Prayer clause (C) is of an inquiry to be conducted through the agency like Central Bureau of Investigation. For this prayer, learned Counsel invited our attention to the grounds stated in the application and he orally submitted that the action is initiated only in view of the political pressure applied on the applicant. This is only an allegation, without there being any support in the application. It will not be out of place to say that even if considering that the applicant is alleging some mala fide acts and inquiry through independent agency and not through the State agency, but through the Central Bureau of Investigation, the minimum expectation of this Court that the applicant must satisfy this Court that apart from the allegations, there is some supporting material, which would prima facie lead this Court for considering the prayer to conduct an inquiry. Apart from the allegations, there is nothing in the application. Further, we make it clear that if the applicant is of an opinion that the act committed by the person/s covers under any mischief in the canvass of the acts of the Indian Penal Code, he is certainly at liberty to avail other remedies available to him including approaching the law enforcing agency or the investigating agency, if so advised.

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7. The prayer which is made in the application is also the prayer in the writ petition. Passing of any order on the present application would certainly lead to consider the petition in this application itself and disposing the petition by considering the prayer in the application. This is one more reason for us to not to entertain the application.

8. In view of the above referred observations, we are of the clear opinion that the application is thoroughly meritless and deserves to be rejected and same is rejected accordingly.

9. Writ Petition be posted after same is ripe for hearing and after learned Counsel removes the office objections, which are referred by the office in the cause list.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

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