

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST PETITION NO.26 OF 2016

Dr.Asif G.Shaikh

...Petitioner

V/s.

The Principal Secretary, Urban Development,
Mantralaya, Mumbai & Ors.

...Respondent

Mr.Tushar N. Sonawane for the Petitioner.

Mr.P.P. Kakade, A.G.P. for the State – Respondent Nos.1, 3 and 4.

Mr.N.R. Bubna for the Respondent No.2.

Mr.S.R. Nargolkar for the Respondent No.6.

**CORAM : PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.**

DATE : 30TH APRIL, 2019.

P.C. :-

1. Heard learned counsel for the parties. The grievance of the petitioner is to no action being taken against Mr.Rajendra Markad and Mr.S.D. Dhanegave i.e. respondent Nos.5 and 6 respectively. The action which the petitioner wants to be taken against the two pertains to the period when they worked as Assistant Town Planners. The petitioner, who is a corporator of Mira Bhayander Municipal

Corporation seeks action against the two officials, who were employees of the Municipal Corporation, on the strength of pleadings in various sub-paragraphs of paragraph 4 of the public interest litigation.

2. Notwithstanding the fact that there is no pleading to the effect that as an corporator, at the meetings of the Corporation, the petitioner raised said issues, we have considered the issue on merits.

3. The reply brings out that the detailed investigation by way of preliminary enquiry was got effected and it was reported that Mr.S.D. Dhanegave who functioned as the Assistant Town Planners during the absence of the then Commissioner had not committed any irregularity. For the wrongs committed by Mr.Rajendra Markad, he was served a charge-sheet. He replied thereto. Except for charge no.3, listed in the charge-sheet dated 28th July, 2015, the response was found to be inadequate. On 20th June, 2016, the Regional Departmental Officer was appointed as an enquiry officer and the Assistant Director of the Town Planning was appointed as the Presiding Officer.

4. The reply brings out that the enquiry is being held.

5. The petitioner has not challenged the preliminary enquiry report absolving Mr.S.D. Dhanegave and thus *qua* him, we find no

error. As regards Mr.Rajendra Markad, we direct that the enquiry be completed, if not already completed, within six months from today and in light of the enquiry report, further action taken.

(N.M. JAMDAR, J.)

(CHIEF JUSTICE)