

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

PUBLIC INTEREST LITIGATION NO. 128 OF 2017

Munaf Supadu Tadvi

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

Mr. S. V. Walve for the Petitioner.

Mr. P. P. Kakade, Govt. Pleader a/w. Mr. M. M. Pabale, AGP for
Respondent Nos.1 to 4.

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

DATE : 18th JULY, 2019.

P.C. :

1. We have heard learned Counsel for the parties.
2. The grievance raised in the Public Interest Litigation is that funds have been misappropriated by the officers of the Engineering Department while executing various public works.
3. It strikes the reader of the Public Interest Litigation that there is no list of the public works in relation to which allegation of siphoning of funds is made out.
4. We reference to Exhibit 'A', it is pleaded that organization espoused the interest of tribal raised a grievance of misuse of funds while constructing schools, hostels, bridges and roads. Exhibit 'A' lists 11 works as also the amount sanctioned to execute the works. Thereafter a general allegation is made that funds are being misused or

misappropriated. The allegation is generic sans any particular i.e. for which work and in which manner the amount sanctioned has been misappropriated. Reference in the pleadings thereafter is to information received under Right to Information Act, 2005; annexed as Exhibit 'B'. The information annexed simply lists 5 projects, the amount sanctioned and the amount utilized. Relevant would it be to highlight that 11 works referred to in Exhibit 'A' do not find any reflection in Exhibit 'B'. The further reference in the Petition is to Exhibit 'C' which is an incomplete document and the scanty reference is to the fact recorded that certain works were not completed within a stipulated time.

5. We highlight that there is no linkage to the works referred in Exhibit 'C' with the works referred to in Exhibits 'A' and 'B'. Further pleading is with reference to Exhibit D which is a response of the Executive Engineer to Exhibit 'C'. The response contains reasons given by the Executive Engineer for the works referred to in Exhibit 'C'. Exhibit 'E' is a document showing that the Assistant Engineer wrote that money be sanctioned to construct bridges in tribal areas in Nashik. Reference thereafter is made to Exhibit 'F' whereunder the Assistant Commissioner/Project Officer has written to the concerned Officer of his department to verify the progress of construction of bridges in the tribal areas and we highlight once again that the works referred to in Exhibit 'F' have no concern with the works referred to in the earlier Exhibits. Further reference is made to Exhibit 'G' in which there is an observation that the construction was not completed qua some bridges. Further reference is made to Exhibit 'H' regarding unspent amount being returned. Reference to Exhibit 'I' shows money received for

installing transformers in Ashram Schools. Exhibits 'J' and 'K' are directions issued by the Competent Authority to inspect the schools and confirm whether the transformers have been installed.

5. It is apparent that at random documents have been picked and simply pleaded in the Petition that the particular document exists.

6. From the material placed on record we cannot infer any misappropriation or siphoning of the amount. As regards the allegations that certain works have not been completed, the reply filed on behalf of the Deputy Engineer, Public Works Department, Nashik brings out that all electric transformers have been installed. The reply also brings out that civil construction work of all buildings and bridges have been completed.

7. The Public Interest Litigation is accordingly dismissed.

[N. M. JAMDAR, J.]

[CHIEF JUSTICE]