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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 171 OF 2018**

Munir Kadar Shaikh

.....Petitioner

V/s.

The State of Maharashtra
through its Principal Secretary and others

.....Respondents

None for petitioner

Mr. M. M. Pable, AGP for respondent Nos. 1 to 5.

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

DATE : APRIL 22, 2019.

P.C.

None appears for the Petitioner. We have perused the averments made in the Writ Petition.

2 Filed in public interest, it is pleaded that State of Maharashtra introduced schemes for the integrated development of tribal communities. During the period 2012-2015, 304 works were shown as executed under the schemes in 83 out of 94 villages in Palghar district. It is pleaded that as per the State Government Resolution, the works executed under the Tribal Welfare Schemes had to be

audited. It is pleaded that for the purpose of audit, District Collector, Palghar executed an agreement with Respondent No. 16 to conduct audit of the works done. It is pleaded that it surfaced that certain works were not executed at all and in respect of few, work done was not proper resulting into the Project Officer, Integrated Tribal Development Project, district Palghar issuing notice to the Executive Engineer to render explanation regarding utilization of the money. It is further pleaded that no further action pursuant to notice issued has been taken. Writ Petition then proceeds to refer to an audit report annexed as Exhibit "I" and points out the audit objections.

3 Prayer made in the Writ Petition is to prosecute the individuals responsible for misappropriation of public funds and liability to be fixed on the officers who did not properly supervise the execution of works.

4 In light of the material annexed with the Writ Petition, the Principal Secretary, Tribal Development Department, being the highest officer in the hierarchy, needs to be directed by this Court to

treat the Writ Petition as a representation to him.

5 The Principal Secretary would call for the record pertaining to the development works executed during the period 2012-2015 under the Tribal Development Project in Palghar district. Money sanctioned for the schemes would be taken note of. Tender documents, permits and works awarded would be noted. Report would be called for from Chief Engineer, Public Works Department regarding utilization of the funds. If funds have been utilized and it is noted that the works have not been executed, responsibility would be fixed and civil as well as criminal action would be initiated against persons or persons who have misappropriated the money. If substandard work is accepted, responsibility would be fixed on the person.

6 Needful shall be done within 6 months from the date of receipt of the present order.

7 Writ Petition is disposed of.

N. M. JAMDAR, J.

CHIEF JUSTICE