

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

PUBLIC INTEREST LITIGATION NO. 136 OF 2019

Vilas Nagorao Jogdand	... Petitioner
Versus	
The State of Maharashtra and others	... Respondents
....	
Mr. M. R. Andhale, Advocate for petitioner	
Mr. S. P. Sonpawle, AGP for the State	
Mr. Rajendra Deshmukh, Advocate for respondent No.5	
....	

**CORAM : PRASANNA B. VARALE
AND
R. G. AVACHAT, JJ.**

DATED : 06th FEBRUARY, 2020

PER COURT :-

. Heard Mr. Andhale, learned counsel appearing for the petitioner. The petition was posted before this Court on 19.12.2019. It was the submission of learned counsel Mr. Andhale that the petitioner is espousing the cause of the public and had approached the authorities, apprising the authority that a mischief is being played in the matters of recovery of the taxes against the mining premises. Accordingly, the prayers were made in the petition seeking directions to respondent No.1 i.e. the Collector, Beed, to initiate inquiry against the erring officers. A statement is made in the petition that the representations are

submitted that the petitioner has made representations to the authorities. On perusal of the annexures, it emerged that though the petitioner forwarded certain communications to some authorities, necessary representation forwarded to respondent No.1 Collector, Beed, is placed on record. When such a query is put to the learned counsel for the petitioner, he prays for some time, so as to submit before this Court the copy of the representation.

2. Mr. Andhale, learned counsel orally prays for amendment to the petition, so as to place the documents on record suggestive of the fact that the petitioner had approached respondent No.1 Collector, raising his grievance and in turn there were certain directions from the office of the Collector to the subordinate officers. Oral prayer for amendment is allowed. The compilation of the documents is marked as Annexure-“J” to the petition. Perusal of these compilation of documents show that the petitioner had submitted application on 28.02.2017 to the office of the Collector, Beed, and there was certain exchange of communication from the office of the Collector to the Sub-Divisional Officer, Ambajogai. A reference is made in the reminder letter, which is placed on record, dated 30.05.2017. The office of the Additional Collector, Beed was expecting the feedback from the office of the Sub-Divisional Officer. Then, there is also communication placed on record,

issued from the office of the Commissioner, Aurangabad to respondent No.5 i.e. the Executive Director, Godawari Marathwada Patbandhare Vikas Mahamandal dated 04.06.2019, apprising him that a preliminary inquiry report through the vigilance committee is received and there are certain observations relating to misappropriation of the amount. The Deputy Commissioner (EGS), Aurangabad apprised respondent No.5 that in spite of lapse of four years, there is no progress in the matter and this is the grievance of the petitioner and then the Deputy Commissioner (EGS), Aurangabad sought for the information in the matter. Then, there is a communication forwarded from the office of the Collector, Beed to the Sub-Divisional Officer referring to various applications including an application forwarded through the petitioner. The Collector informed the Sub-Divisional Officer that necessary steps be taken in accordance with the legal provisions and the rules and the applicants be informed about such steps or action.

3. Thus, it emerges from the perusal of these communications, the office of the Collector as well as the office of the Divisional Commissioner, Aurangabad through the Deputy Commissioner (EGS), promptly took the cognizance of the application/representation of the petitioner and issued directions to the subordinate officers as well as sought for information from respondent No.5 i.e. the Executive Director

of Godavari Marathwada Patbandhare Vikas Mahamandal. Considering this fact, we are of the opinion that this PIL can be disposed of with further direction to respondent No.1 – Collector, Beed to seek immediate response from the Sub-Divisional Officer in view of the communication dated 18.07.2017 and in case, the Collector on the response received by him finds that there is sufficient material to proceed against the erring officers, the Collector, by exercising his powers, may take appropriate steps expeditiously.

4. With these directions, the PIL is disposed of.

[R. G. AVACHAT, J.]

[PRASANNA B. VARALE, J.]

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