

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

WRIT PETITION NO.7511 OF 2020

Lata Kiran Raut

Age : 50 years, Occ: Agriculture,

R/o. Belora, Tq. Jafrabad,

District Jalna

PETITIONER

VERSUS

1. The Grievance Redressal Officer,
(M.G.N.R.E.G.S.), Jalna
Administrative Building,
Jalna, Ring Road, Dist. Jalna.

2. Laxman Parasram Bhosle
Age : Major, Occu: Agriculture,
R/o. Belora, Tq. Jafrabad,
Dist. Jalna.

3. Kiran Mawanji Raut
Age : Major, Occu: Agriculture,
R/o. Belora, Post Janephall,
Tq. Jafrabad, Dist. Jalna.

RESPONDENTS

...
Advocate for Petitioner : Mr. Sudarshan J. Salunke
Advocate for Respondent : Mrs. D.S. Jape

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CORAM : MANGESH S. PATIL, J.

DATE : 14.12.2020

ORAL JUDGMENT :

In this petition under Article 227 of the Constitution of India the petitioner is impugning the order dated 07.08.2014 passed by the respondent No.1 i.e. the Grievance Reddressal Officer, constituted under the Maharashtra Rural Employment Guarantee Scheme, whereby, it is held that she was not entitled to claim any benefit under the Scheme for sinking a well and the amount spent as a grant to her be recovered.

2. The learned advocate for the petitioner would submit that she was entitled to receive the benefit under the Scheme. An administrative approval was granted and accordingly the funds were disbursed for sinking a well in her land Gat No.68. Without any rhyme or reason the respondent No.2 raised an objection before the Grievance Committee. A notice was issued to the respondent No.3 who happens to be her husband. He appeared in the matter but there was no notice to her. If the order was to be passed against her, it was a legitimate expectation that the respondent No.1 would follow the principles of natural justice. However, keeping her in dark, the impugned order was passed which is illegal and contrary to the principles of natural justice. He would then submit that since the order was passed behind her back she came to know about it only in the month of September when the Block Development Officer and the Grampanchayat served her notices. He would therefore submit that soon thereafter, after obtaining a certified copy of the impugned order the petition has been filed. There are no laches. She is entitled to be heard before any order is passed for recovery of money from her and that is why the impugned order suffers from gross illegality.

3. The learned advocate Mr. Salunke further relies upon the decision of this Court in **Smt. Savitri Chandrakesh Pal Vs. State of Maharashtra and Ors. ; 2009 (4) ALL MR 194** and submits that the Court has laid down elaborate procedure to be followed by quasi judicial authorities for conducting inquiries and deciding the matters before them.

The learned advocate would submit that giving a complete go by to such principles the impugned order has been passed and the petitioner seeks its quashment.

4. The learned A.G.P. submits that there is no substance in the petition and it may be dismissed.

5. It does appear that though the proceeding was initiated against the petitioner, its notice was served upon her husband the respondent No.3. She was not called upon to participate in the inquiry and *ex facie*, there does appear some substance in the submission of the learned advocate for the petitioner.

6. However, there is absolutely no allegation that there was any conflict of interest between the petitioner and her husband the respondent No.3. There are no allegations that he was incapable of protecting her interest. In fact from the papers produced by her along with the petition it appears that he filed his say pursuant to the notice and opposed the application. It is thereafter that the impugned order has been passed on 07.08.2014.

7. If such is the state of affairs, the ground being put forth of not following principles of natural justice does not deserve any consideration. If the husband was duly notified and had taken care to contest the proceeding, in the absence of any differences between the couple *inter se*, the petitioner cannot be allowed to put up such a grievance. One cannot believe that the husband had not informed his wife about filing of the proceeding and its

consequences. It is therefore apparent that the petition, irrespective of the merits of the matter suffers from delay and latches. The order was passed more than 6 years back and is being sought to be challenged.

8. From the papers produced by the petitioner it is apparent that there is every room to believe that the petitioner could successfully avoid recovery pursuant to the impugned order for such a long duration. As can be seen from the letter dated 13.10.2020 (Exhibit-I), it is only when the respondent No.1 exerted pressure by threatening to go on a strike for not executing the order that the steps seems to have been taken by issuing this letter to the petitioner for recovery of the money.

9. Considering all the aforementioned facts and circumstances, in my considered view, the petitioner is not entitled to invoke Writ Jurisdiction of this Court. The Writ Petition is dismissed *in limine*.

(MANGESH S. PATIL, J.)

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