

(1)

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

PUBLIC INTEREST LITIGATION NO.116 OF 2019

Nanasaheb S/o Babasaheb Patil,
Age: 46 years, Occ: Agri & Social Worker,
R/o Bedarwadi, Post Pathrud, Tq. Bhum,
District: Osmanabad

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through Water Conservation
Department, Mantralaya,
Mumbai - 400032
2. The District Superintendent
Agriculture Officer, Osmanabad
(Water Conservation Branch)
3. The Sub-Divisional Agriculture Officer,
Bhum, Tq. Bhum, Dist. Osmanabad
4. The Taluka Agriculture Officer,
Bhum, Tq. Bhum, Dist. Osmanabad
5. Shri Ganesh Durunde,
Taluka Agriculture Officer,
Bhum, Tq. Bhum, Dist. Osmanabad
6. Shri Ajit Gaikwad,
Agri. Assistant,
Taluka Agriculture Office,
Bhum, Tq. Bhum, Dist. Osmanabad
7. Mangesh Constructions,
Sarola, Post Rajuri,
Tq. Jamkhed, Dist. Ahmednagar

..RESPONDENTS

Mr S. T. Veer, Advocate for petitioner;
Mr S. P. Sonpawale, A.G.P. for respondents -State

**CORAM : PRASANNA B. VARALE
AND
ANIL S. KILOR, JJ.**

(2)

DATE : 13th January, 2020**ORAL ORDER:**

Heard learned Counsel appearing on behalf of the petitioner at length.

2. The petitioner is coming before this Court on a submission that a public cause is espoused in the petition and accordingly the prayers are made in the petition seeking directions to respondent Nos.2 and 3 to make enquiry in respect of amount illegally spent on Nalla deepening work done at village Mankeshwar, Tq. Bhoom, Dist. Osmanabad under the Jalyukta Shivar Abhiyan of the State and to take the appropriate coercive action against Respondent Nos.5 to 7.

3. On going through the material placed on record, we are of the clear opinion that the petition cannot be entertained by this Court on account of number of lacunae in the petition. The petitioner has placed on record certain copies of the representations submitted to the authorities. Perusal of these copies shows that the petitioner has also stated about an indefinite hunger strike for inaction by the authorities.

4. The documents placed on record by the petitioner himself show that the authorities have taken cognizance of the grievance raised by the petitioner, without wasting time in the matter. The document placed on record at Exhibit-D shows that on receipt of the complaint

(3)

lodged at the instance of one Shri. Anil Namdeorao Shendge, the Sub Divisional Agriculture Officer, Bhoom, District Osmanabad issued a show cause notice to the Taluka Agriculture Officer, Bhoom, taking recourse to the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979.

5. The document placed on record at Exhibit-G is a communication dated 20th February, 2018 forwarded to the Sub Divisional Agriculture Officer, Bhoom through the District Superintending Agriculture Officer, Osmanabad, wherein the said officer i.e. the District Superintending Agriculture Officer, District Osmanabad directed the Sub Divisional Agriculture Officer to visit the work personally and submit his self explanatory fact finding report by 28th February, 2018. The another communication of same date directs the Sub Divisional Agriculture Officer to avoid the delay in submitting the report and some documents are also forwarded to the Sub Divisional Agriculture Officer.

6. On the backdrop of the aforesaid documents, perusal of the petition shows that no steps are taken by the petitioner so as to seek any information with regard to compliance of the communication dated 20th February, 2018, whether report is submitted on or before 28th February, 2018 to the District Superintending Agriculture Officer, Osmanabad. On this backdrop, when a query was put to learned

(4)

Counsel for the petitioner, he invited our attention to paragraph No.7 of the petition. The reading of paragraph No.7 nowhere shows that the petitioner makes any statement that as per the communication dated 20th February, 2018, the Sub Divisional Agriculture Officer has submitted a report to the District Superintending Agriculture Officer on or before 28th February, 2018 and without there being any such statement, paragraph No.7 concludes with a statement that till today, no any concrete action is taken by the respondents against the erring officers. If there is no statement to the effect that there is a compliance of the communication dated 20th February, 2018 and if there is no such statement to arrive at a conclusion that the officers have erred and committed some act or some mischief, would be only a conclusion drawn on assumptions and presumptions. This Court cannot take exercise of drawing conclusion on assumptions and presumptions, even though the petitioner proceeded on assumptions and presumptions.

7. Considering the aforesaid very facts, we are of the view that the present petition is devoid of any merit and deserves to be dismissed at the threshold and same stands dismissed accordingly.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)

sjk