

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

CRIMINAL WRIT PETITION NO.493 OF 2021

RAUF NYAJU PATEL

VERSUS

**THE MEMBER SECRETARY, MAHARASHTRA JEEVAN PRADHIKARAN,
MUMBAI AND OTHERS**

...

Advocate for the Petitioner : Shri V.P. Kadam h/f Shri Bagal Vishal A.
PP for the Respondents/ State : Shri D.R. Kale

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**CORAM : RAVINDRA V. GHUGE
&
B. U. DEBADWAR, JJ.**

DATE :- 07th June, 2021

Per Court :-

1. By this petition, the petitioner has put forth prayer clauses B and C as under :-

“B) By issuing writ of mandamus or any other appropriate writ, order or directions in the like nature, the Resp. No.1 may kindly be directed to register Crime against the Resp. No.9- Bhagwan Avahad- Contractor and Resp. No.10- Shri Ashok Ghuge – in-charge Executive Engineer (Water Supply), Z.P. Aurangabad and other employees of the Zilla Parishad Aurangabad who played the role in the issuing registration as a Authorized Contractor Class II of M.J.P. in favour of Resp. No.9 – contractor, on the basis of fraudulent documents.

C) By issuing writ of mandamus or any other appropriate writ, order or directions in the like nature, the Resp. No.1 and Resp. No.8 may kindly be directed to stay/ stop the work order issued in favour of Resp. No.9 contractor and also directed to recover the amount paid under the Bills in regards to the said license as a Authorized

Contractor of M.J.P. from the Resp. No.9 contractor.”

2. The grievance of the petitioner is voiced in his complaint/representation dated 19.10.2020 addressed to the Member Secretary, Maharashtra Jeevan Pradhikaran, Express Tower, Mumbai. According to him, there are three contractors, who, hands in gloves with the Executive Engineer of the Aurangabad Zilla Parishad, Water Supply Department, had played a fraud on the organization. They had used forged documents to get themselves registered as contractors with the said department. An enquiry is required to be conducted in this affair.

3. The learned advocate for the petitioner points out a subsequent development. He places before us an undated photostat copy purportedly of an enquiry report submitted by the Additional Chief Executive Officer, Zilla Parishad, Aurangabad Shri S.V. Kavde, the Executive Engineer (Irrigation), Zilla Parishad, Aurangabad Shri S.M.Bub and the Deputy Chief Auditor and Accounts Officer, Zilla Parishad, Aurangabad Shri R.M.Salunke. According to the said report, two contractors, namely, M/s Saishwar Constructions and M/s Ruchita Constructions are guilty of misleading the Water Supply Department and the Public Works Department while acquiring the work done certificates. The committee purportedly recommends lodging of an offence for forgery and debarring the said entities from the MahaOnline portal. The copy of

the said enquiry report is taken on record and marked as “X” for identification. We are, however, not lending any authenticity to the said report, as it is a photostat copy without any date.

4. The learned advocate for the petitioner submits that this Court should issue directions for registering the First Information Report under Section 154 of the Code of Criminal Procedure.

5. We find from the petition that the petitioner had desired an enquiry into his complaint/ representation dated 19.10.2020. The purpose for which this petition has been filed, is achieved and the petition, therefore, stands worked out. Insofar as the copy of the purported report (X) is concerned, we leave it to the Department to consider the said report, if at all the said report is authentic and is filed with the concerned Department.

6. In view of the above, this Criminal Writ Petition is disposed off.

kps

(B. U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)