

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

**REVIEW APPLICATION NO. 19 OF 2021
IN
PUBLIC INTEREST LITIGATION NO. 136 OF 2019**

The Superintending Engineer
Beed Irrigation Project Mandal,
Parali Vajinath and others

... Applicants

Versus

Vilas Nagorao Jogdand and others

... Respondents

....

Mr. Rajendra S. Deshmukh, Senior Advocate i/b Mr. Devang R.
Deshmukh, Advocate for the applicants

Mr. S. J. Salgare, AGP for the State

....

**CORAM : V. K. JADHAV AND
R. G. AVACHAT, JJ.**

DATED : 05th MARCH, 2021

PER COURT :-

. Heard.

2. The applicants (original respondent Nos. 4, 5 and 8 in PIL), hereby seek review of the order dated 06.02.2020, passed in Public Interest Litigation (PIL) No.136 of 2019.

3. Respondent No.1 herein, had filed the PIL (Original Writ Petition No.8201 of 2019) for direction to respondent No.1 - Collector, Beed to initiate inquiry against respondent Nos. 2 to 7 and

to fix responsibility on the part of respondent Nos. 5 and 6 for non recovery of royalty of the minerals. A direction to respondent No.1 was also sought for recovery of Rs.40,00,675/- due from respondent Nos.5 and 6 towards mining royalty.

4. Respondent No.1 (Petitioner in PIL) claimed to be a social worker. He had filed a complaint dated 01.12.2015, alleging non recovery of royalty of minerals from the contractor. He had filed several applications to the authorities concerned. Since his complaints had not been responded to, he filed writ petition, which came to be converted into PIL No.136 of 2019.

5. The Collector, Beed, vide his letter dated 18.07.2019 had forwarded respondent No.1's complaints to the Sub-Divisional Officer, Ambajogai for inquiry. This Court, vide order dated 06.02.2020, directed the Collector, Beed, to seek immediate response from the Sub-Divisional Officer. In case, the Collector, on the response received by him, finds that there is sufficient material to proceed against the erring officers, he may, by exercising powers, take appropriate steps, expeditiously. This order is sought to be reviewed in this application.

6. Shri Rajendra S. Deshmukh, learned Senior Advocate for the applicants, would submit that the order dated 06.02.2020 has been passed without hearing the applicants and even without issuing any formal notice in the PIL. The Court had not been made aware of the fact that primary inquiry report had already been taken into consideration by Mantralaya authorities and necessary directions were issued for taking legal action by instituting a suit against the defaulting contractor for recovery of mining royalty. A suit has accordingly been filed against the contractor for recovery of Rs.44,96,444/-. According to the learned Senior Advocate, had this fact been brought to the notice of this Court, the order sought to be reviewed could not have been passed. He further submits that no notice had been issued in the PIL. No lawyer was engaged by the applicants to represent them in the PIL. It, however, appears that an Advocate is shown to have appeared for and on behalf of respondent No.5 in Writ Petition No.8201 of 2019 (Respondent No.6 in PIL). The learned Senior Advocate, therefore, ultimately urged for review of the order dated 06.02.2020.

7. Respondent No.1 (petitioner in PIL) claimed to be a social worker. The record indicates that he made complaints alleging

the respondent Nos. 2 to 7 in the PIL and M/s Deshmukh Construction Company, to have misappropriated a sum of little over Rs.40,00,000/-, which was due from M/s Deshmukh Construction Company towards royalty of minerals. He had also made several communications in that regard. One of which is dated 28.02.2017 made to the Collector, Beed. The Collector, in turn forwarded the said complaint/communication to the Sub-Divisional Officer for making inquiry into the complaint. Respondent No.1-Collector, Beed, was therefore expected to take appropriate steps in response to a report of inquiry that might have been submitted by the Sub-Divisional Officer. This Court, therefore, without issuing any notice in the PIL, simply observed that the Collector on receipt of the report from the Sub-Divisional Officer, may take appropriate steps against erring officers, if he finds sufficient material to proceed against them. In our view, this order is in no way prejudicial to any of the respondents in the PIL.

8. Needless to mention that if the Collector takes any action, the concern officials/respondents in PIL have every right to take exception to the action taken by the Collector.

9. We, therefore, do not find any reason to review order dated 06.02.2020. It is made clear that there was appearance of the Advocate for and on behalf of respondent No.5 in the writ petition (respondent No.6 in PIL) and not on behalf of any of the applicants herein. The review application, thus, fails. The same is therefore rejected.

[R. G. AVACHAT, J.]

[V. K. JADHAV, J.]

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