

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1745/2022

Krushna Panchamrao Khopde ... Petitioner

- Versus -

Government of India and others ... Respondents

Mr. S.P. Bhandarkar, Advocate for Petitioner.

Ms. K.H. Joshi, Government Pleader for Respondent Nos.2 to 6.

CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.

DATE : 30 MARCH 2022

P.C. :

Heard learned Counsel for the parties.

2. The Petitioner has sought to raise various issues as regards the Improvement Scheme in the Nagpur constituency which the Petitioner represents as a Member of Legislative Assembly.

3. The Petitioner had earlier filed Writ Petition No.2666/2021 for the same subject matter, it was disposed of by the Division Bench (Sunil B. Shukre and Anil S. Kilor, JJ), by the following order on 30 July 2021 :

"1. We have heard the learned counsel for the petitioner.

2. Although, we had shown our reluctance to entertain this petition, particularly, in view of the doubt about the petitioner having a locus in the matter, we would allow the petitioner, on his request, to withdraw this petition with liberty to make a fresh representation, properly worded and without making any imputations and attributing any motives to anybody for sanction of funds for specific developmental schemes to be undertaken in other constituencies, which may be pointed out by the petitioner in the representation to be made. We allow the petition to be withdrawn with liberty as prayed for.

3. In case, the petitioner desires to approach or knock at the doors of this Court once again in future, the issue of locus standi of the petitioner would also be examined then and as such this issue is kept open by this Court.

4. If any representation is made to the DPC by the petitioner, on the above lines, same may be considered by the DPC and disposed of in the meeting that would be held next to the receipt of the representation, in accordance with law.

5. Writ Petition is disposed of accordingly. No costs."

4. We are in agreement with the observations of the Division Bench as regards the locus of the Petitioner. We, however, note that the Division Bench had stated that if the Petitioner makes a representation to the DPC without making imputations and attributing any motives to anyone, then the same may be considered in accordance with law in the meeting that would be held next to the receipt of the representation.

5. Learned Counsel for the Petitioner states that such representation was made, however, it has not been considered. Since order is already passed by this Court, the representation of the Petitioner be considered by the DPC in its next meeting.

6. We make it clear that we have not passed any fresh order except reiterating the order dated 30 July 2021.

7. The Writ Petition is disposed of in above terms.

(ANIL L. PANSARE, J.)

(NITIN JAMDAR, J.)

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