

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

WRIT PETITION NO.2344 OF 2023

**SHRIKRISHNA NILKANTHRAO ZAKADE
VERSUS
EKNATH SHINDE, CHIEF MINISTER OF MAHARASHTRA STATE AND
OTHERS**

.....
Mr. Shrikrishna N. Zakade, Party-In-Person
Government Pleader for Respondents - State: Mr. D. R. Kale
.....

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.**

DATED : 01st MARCH, 2023

PER COURT :

1. This Petition is a classic example of a party-in-person attempting to abuse the process of law. In fact, the Petitioner is a practicing Advocate. Reckless allegations against the Respondents are set out in the memo of Petition. Baseless statements and claims of illegal acts all around in the Corporation, without any substantiation, are made. Apparently, the desire to seek a roving inquiry, is writ large in the pleadings.

2. It is apparent from the pleadings that the Petitioner blames the Municipal Corporation for his miseries. He claims that there is corruption all around him and that he was forced by circumstances to resign as a law officer.

The baseless and unsubstantiated allegations being made by the Petitioner, by way of illustrations, are reproduced verbatim, to some extent, as under :-

“2. The petitioner says and submits that, the respondent Nos. 1 and 2 are Chief and Deputy Chief Ministers, respondent Nos.3 and 4 are most superior public officer and controlling and supervising authority of local body business and affair's corporation. The respondent Nos.5 and 6 are the Divisional and District Administrator's, respondent Nos.7 to 13 are the then municipal commissioners they committed irregularities. The Respondent Nos.14 to 25 are officials and employees and committed irregularities. The Respondent Nos.26 and 27 are the then Mayor and Chairman of standing committee of corporation committed irregularities, respondent Nos.28 to 31 and 35 are the irregular lease holders, irregularly misused municipal land and respondent Nos.32 is the Corporator and petitioner of PIL No.144/2016. The respondent No.33 is the then Deputy Secretary of Urban Development of state committed irregularities, respondent No.34 is the Municipal Commissioner and Administrator committed irregularities Respondent No.36 is the got irregular compensation, respondent No.37 is the Secretary of Urban and Development, Union of India, respondent No.38 is the Chairperson of Press Council of India and controlling authority of Press and Media, all these respondents are necessary Parties to this writ petition and they are amenable to the writ jurisdiction of this Hon'ble High Court.

3. The petitioner say and submits that, the Petitioner got ill treatment from the Respondent Nos.8, 14, 16, 24 and 25 they

deliberately avoided to join to the petitioner in the service. After joining in the service on 14.03.2013 respondents Nos.8, 16, 24, 25 started to give ill-treatment to petitioner in the office chamber of law section they didn't maintained office decoram by not providing table and chair to seat on and perform the duty in law department. They always keeps away from office to the petitioner by directing him to attend court but without giving any proper brief and instructions of the matter and taking care that petitioner never seat and get the proper knowledge of the office matters. The respondent No.10 had transferred the petitioner from law department to the estate department appointing as Estate manager by order dated 30.04.2015. He used to do all estate department work as per the wish and will of the minister, political leaders and influential person's, builders and bureaucrats who were in high post and power. He forced to take the possession of the municipal land which was already allotted by the Tasfiya Committee to the Nanded education society on dated 31.07.1950 for the education purpose. The respondent Nos.10, 14, 16, 26, 27, 29 and 30 had planning to return the 2.5 acres piece of land out of allotted land to the Respondent No.29 in lieu of encroached municipal land by the Respondent No.30 who were illegally encroached and grabbed the 3 acre land by creating housing society over it. The Respondent Nos.26, 27 and Corporators also assisted this illegal deals and forged a compromise plan and submitted in this court in the writ petition bearing No.5290/2006 and 5373/2006 on dated 18.02.2016. The petitioner opposed to this irregular compromise which was against the interest of corporation but Respondent No.10 threatened him by using mobile phone of respondent No.16. The Shri.Deepak Rawat, Corporator was also against this compromise he had lodged his

complaint. Herewith attached as Exhibit-A Colly, the copies of Hall Ticket, dated 17.02.2013, Appointment Letter dated 12.03.2013, Transfer order dated 30.04.2015, Resolution No.77, dated 06.09.2014. The High Court order in Writ Petition Nos.5290/2006 and 5373/2006, dated 18.02.2016. Salary Certificate of Petitioner for the months of January and February-2022.

4. The petitioner say and submits that, the respondents Nos.9 and 15 to 17 and the then Mayor, Corporators prepared Resolution No.137, dated 24.11.2014 and respondent Nos.15 and 16 illegally prepared land allotment letter to respondent No.28 on 19/20.06.2015 then after respondent Nos.10 and 15 gave direction to the petitioner to do sale deed of the land on 28.04.2016, respondent Nos.14 and 32 Suresh Kulkarni who were in personal rivalry with respondent No.15 had got knowledge of this irregular sale deed from the Suresh Kulkarni and respondent Nos.14, 16 and 17 and made complaint against respondent Nos.10, 15, 26, 28 and petitioner about this Sale Deed. The petitioner gave detail about the preparation of irregular land allotment letter by respondent Nos.15 to 16, but respondent No.11 didn't taken any action against them later Respondent No.32 filed PIL No.144/2016 in this matter but he deliberately not made any allegations against respondent Nos.9, 16 and 17 Petitioner tried to do inquiry about the bogus Patrakar of Patrakar Sahvas Co-operative Housing Society illegal Lease Deed, Sanman prestige violation of Lease Agreement, faizul Ullum School illegal Lease Agreement Vidya Nagar Housing Society illegal land settlement then respondent Nos. 11, 14, 16, 17, 26, 27 had transferred the petitioner from Estate Department and appointed respondent

No.16 to this Department as Estate Manager he was also appointed as Municipal Secretary, thus he was In Charge of Three Department because he was close relative of a Balwant Singh and Virendrasingh Gadiwale, mayor and corporators, thus all these respondents had caused disturbance to the petitioner when he was performing his duty as estate manager. The petitioner had made application on 07.12.2016 under RTI Act about the irregular municipal land allotments and letter dated 09.12.2016 also gave to the commissioner, but respondent Nos.11 and 16 didn't provided information to the petitioner about various illegal municipal land allotment instead they threatened to suspend petitioner if he seeks information under RTI Act. Annexed herewith as **Exhibit-B Colly**. The Copies of PIL No.144/2016, appointment of Respondent No.16 order dated 28.09.2016 and 29.09.2016. RTI application dated 07.12.2016. The Sale Deed bearing No.2546/2016, dated 29.04.2016, proposal and resolution, dated 24.11.2014, letter dated 09.12.2016.

5. The petitioner say and submits that, the respondent Nos.12, 16, 18, 19 and other officers had transferred the petitioner on dated 15.10.2018 from Law Department to the Land Acquisition Department in this department respondent No.18 was working as special officer from 2006 almost 14 years he was working under respondent Nos.7 and 15 they worked together in Guruta Gaddi Programme 2008 for road widening and land acquisition proceedings, and there was one junior engineer, one computer operator appointed few months before and a peon after some days computer operator and junior engineer got transferred to another department and one unskilled clerk appointed in this department. the petitioner requested respondent Nos.12, 17, 18,

19, 21, 22, 23 and 34 to appoint sufficient staff but the respondents never paid any heed to his request even they forced petitioner to do clerical work. The petitioner had to appear for competitive examination then he requested on dated 26.02.2019 respondent Nos.12, 17, 18, 19 to sanction leave but all respondent not allowed his application but recommended his name for election duty after cancelling his election duty by respondent No.6, the petitioner got ill due to mental harrasment given by the respondents, his medical leave application also was not sanctioned and recording his absence salary also stopped for eight months. The petitioner requested to pay his salary on dated 10.05.2019 but in vain. The petitioner made request to re-join him on dated 03.08.2019, 29.08.2019, 11.09.2019 but respondents Nos.12, 16, to 20 refused to re-join him for three months in meanwhile petitioner made written complaint on 19.09.2019, 04.10.2019 to the respondent Nos. 1, 2, 6, 26 and 27 about Patrakar Sahavas Housing Society irregular lease deed the said deed is executed by making forge documents without following due process of law the then divisional commissioner and collector never sanctioned lease agreement. Because the terms and conditions are not fulfilled by the respondent Nos.26, 27 and 35 but respondent Nos.7, 14, 16, 17, 26, 27, 33 and 35 executed irregular Lease Deed bearing No.768/2009, dated 27.01.2009 and respondent Nos.12, 13, 16 to 19, 21, 26, 27 and 34 irregularly paid compensation to respondent No.36 the compensation is granted without following due process of law her land related matter was subjudice and her ownership was not proved. The respondents Nos.7, 14, 16, 17, 26, 27 also misused their power and post and executed irregular Lease Deed bearing No.5030/2010, dated 12.08.2010 Correction Deed bearing

No.5947/2010, dated 28.09.2010 irregular Lease Agreement for 60 years with respondent No.31 Secretary of Faizul Ullum Education Society, Nanded without obtaining prior permission of government and violating Resolution No.214, dated 24.02.2009. The respondent Nos.12, 16, to 20, 26, 27 re-joined petitioner after his long persuasion and sanctioned medical leave by letter dated 06.11.2019 in the Land Acquisition Department while performing his duty petitioner found several irregularities committed by the respondents Nos.8, 14, 16, 18, 26, 27 Corporators prepared the file about LAR No.422/2010 for payment of award in this case court awarded ten fold huge compensation for land acquisition of land owner for road widening and created file to sanction the award amount payable to the land owner without filing appeal in the High court they all made false statement and huge money paid to the land owner because of this rest of land owners took benefits of this award to increase their compensation therefore huge economical loss caused to the public fund they also tried to obtain 64 crores from state government for the payment of compensation in the pending and disposed lar matters by count by giving incorrect information to the government respondent Nos.12, 13, 16 to 19, 26, 27 all misused their power and prepared an order about the compensation as per market value to the Respondent No.36 violating Resolution No.53, dated 22.11.2019. By order dated 09.07.2020 appointed petitioner as head of the Land Acquisition Department but respondent Nos.16, 26, 27 and 34 prepared another order dated 24.08.2020 and appointed as office superintendent to the petitioner in the same department Respondents were taking care that Petitioner never get any key post in this Department. All these information about irregularities given to the respondents Nos.4, 6, 12, 16, 18, 19, 26, 27, 34 on the

contrary respondent Nos.21 and 34 put pressure on the petitioner to put the file about the irregular compensation to the respondent No.36 and they paid Rs.20 Lakhs to her even refusing legal opinion. However, the petitioner didn't agreed and he succeeded in stopping of illegal payment to her then respondent Nos.16, 21 and 34 cancelled the order and submitted a report dated 24.09.2021 to the respondent Nos.4, 5 and 6 because petitioner took great efforts even. The respondent Nos.16, 18 and 19 had confessed that the order of irregular compensation was illegal and under pressure but respondent No.21 and 34 didn't taken any action against them the petitioner had sustained head and other injury in the road accident dated 05.08.2020 one mini truck/chota hathi driver gave dash to petitioner from back side while he was riding on scooter and fled from the scene. The petitioner gave information to the police station Shivaji Nagar, Nanded against unknown driver. However, police registered FIR bearing No.306 dated 12.08.2020 petitioner had got suspicion that this accident had caused due to his complaint about irregular lease deed of Patrakar Sahavas Co-Operative Housing Society, because there was no CCTV camera installed by respondent Nos.7 to 13, 26, 27 and 34 the police also not proper investigated the case and not found that driver who had caused accident, then after petitioner performed his duty under threats. Herewith attached as **Exhibit-C Colly.** the copies of transfer order dated 15.10.2018, leave application dated 26.02.2019, letter for payment of salary dated 10.05.2019, application for joining dated 03.08.2019 complaint dated 29.08.2019, 11.09.2019, 19.09.2019, 04.10.2019, joining letter dated 06.11.2019 copy of order in LAR No.422/2010, Resolution No.53, dated 22.11.2019 report to Divisional Commissioner, dated 24.09.2021, appointment order dated

09.07.2022, 24.08.2020, MLC, dated 05.08.2020. FIR bearing No.306 dated 12.08.2020. Lease Deed bearing No.768/2009, dated 27.01.2009 list of homeless patrakar and list of plot allotted homeless patrakar and Lease Deed bearing No.5030/2010, dated 12.08.2010 Correction Deed bearing No.5947/2010, dated 28.09.2010 proposal and Resolution No.214, dated 24.02.2009.”

[We are not reproducing the entire pleadings]

3. The Petitioner seems to be aggrieved by the fact that he was a Law Officer with the Nanded-Waghala City Municipal Corporation at Nanded. He claims that he was compelled to resign. His resignation on 24/03/2022 was forceful. His salary for three months is not paid. He resorted to a *Dharane Andolan* at Azad Maidan, Mumbai. His arrears as per the 7th Pay Commission recommendations, leave encashment and GIS amount etc. have not been paid. Claiming to have such grievances, he has arrayed 38 Respondents by names which include Shri Eknath Shinde, The Hon'ble Chief Minister, State of Maharashtra, Shri Devendra Fadanvis, The Hon'ble Deputy Chief Minister, State of Maharashtra, several senior bureaucrats, who were once upon a time associated with the Nanded-Waghala City Municipal Corporation, The Chief Secretary, The Principal Secretary, The Union of India and the Press Council of India through its Chairperson.

4. The prayers put forth at clauses 'C' to 'H' read as under :-

- C) *By writ of mandamus or any other appropriate writ or other directions respondent Nos.1 to 4 be directed to take appropriate action and appoint a retired high court judge or form a committee of Senior IAS Officers for doing proper inquiry about the irregularities committed by the respondent Nos.7 to 36 and take disciplinary action according to law and take necessary action to cancel irregularly executed Sale Deed bearing No.2546/2016, dated 29.04.2016 of M. M. Yewale, Lease Deed No.768, dated 27.01.2009 of Patrakar Sahvas Co-operative Housing Society, Nanded, Faizul Ullum Education Society Lease Deed bearing No.5030, dated 12.08.2010 and Correction Deed, dated 28.09.2010, Nanded Education Society and Vidya Nagar Housing Society irregular compromise instrument filed in the Writ Petition bearing Nos.5290/2006 and 5373/2006, cancel, stop and recover irregular salary paid to 230 Senior Clerks, cancel all irregular appointments and promotions given by the respondents, recover irregular compensation paid to the Alka Gulhane and give justice to the petitioner.*
- D) *Pending hearing and final disposal of this writ petition respondent Nos.1 to 4 and 37 be directed to cancel the appointment of respondent No.34 as Municipal Commissioner as he is not an IAS Cadre Officer as well as serious allegations are made by the petitioner against him and for free and fare inquiry appoint a sincere and dedicated IAS officer in the interest of public and local body and cancel the all irregular appointment of the respondent no 16, as Municipal Secretary, estate Manager, respondent No.17 as Assistant Commissioner of Establishment and General Administration and sanitary department respondent No.18 as special officer of Land Acquisition Department.*

- E) *Pending hearing and final disposal of this writ petition respondent Nos.1, 2, 3, 4 and 37 be directed to take necessary action for payment of arrears of 7th pay commission, leave encashment, GIS, DCPS less paid amount to the petitioner and also pay the interim compensation of Rs.10,00,000/- to the petitioner.*
- F) *By writ of mandamus or any other appropriate writ or other directions, Respondent Nos.1, 2, 3, 4 and 37 be directed to take necessary action for payment of monetary compensation by auditing official records and calculating loss of salary, promotions and other service benefits of the Petitioner from the date of irregularly obtained resignation by the respondents to the date of retirement of the Petitioner .and pay the difference of salary amount to the Petitioner applicable to the post of law assistant or assistant law officer, estate manager, head of the land acquisition department And salary higher than 230 Senior Clerks as per law and provisions.*
- G) *By writ of mandamus or any Other appropriate writ or directions PIL No.144/2016 filed by Shri.Pramod @ Bandu Khedkar in this court be dismissed in the light of this petition and he may be punished for filling this PIL No.144/2016 for personal interest, rivalry against respondent no 15 and his political, monetary gain and for helping to the respondent Nos.11, 14, 16, 17, 26, 27 to get charge of the estate manager to respondent Nos. 16 and being part of the conspiracy against petitioner by ruining his career and to give mental harassment to the petitioner by taking help of friends in the print media.*

H) By writ of mandamus or any other appropriate writ or directions respondent No.38 be directed to conduct enquiry and take action about abuse of profession of journalism and misuse of print media by respondent No.35 and other journalist who had occupied plots disguising as homeless patrakar on the land of municipal corporation by executing irregular Lease Deed bearing No.768/2009, dated 27.01.2009.”

5. In view of above, it is obvious that wild and reckless allegations have been made by the Petitioner without substantiation. He finds fault in everything that was done while he was in employment as a Law Officer of the Municipal Corporation. He has not challenged his purported forceful resignation.

6. Considering the pleadings, we are of the view that our Writ jurisdiction cannot be invoked to initiate roving inquiries against all such persons who are subject matter of wild and reckless allegations in the Petition.

7. We had asked the Petitioner, who is a practicing advocate, as to whether he would opt to initiate appropriate proceedings as against his purported forceful resignation or claim unpaid salary. However, the Petitioner in person was not willing and insisted that a High Court Judge be appointed to conduct an inquiry.

8. The learned Government Pleader prayed for heavy costs contending that it has become a tendency to level wild allegations against Hon'ble Ministers and bureaucrats for publicity and sensationalisation.

9. In view of the above, this Petition is dismissed.

10. Taking into account that the Petitioner is a practicing Advocate, who has joined the profession after he resigned from the Municipal Corporation, that we are not imposing costs.

11. Needless to state, the Petitioner would be at liberty to take recourse to appropriate remedy as against any specific cause of action, before the appropriate forum. He is also at liberty to make a representation to the Commissioner of the Corporation for the payment of his unpaid salary and if such representation is made, the same shall be dealt with within a period of 60 days.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)