

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1717 OF 2018

Pratap Baburao Kakade	...	Petitioner.
Versus		
Government of India & Ors.	...	Respondents.

Mr. Pratap B. Kakade for the Petitioner.
Mr. V.B. Konde Deshmukh, APP for the State.
Mr. V.S. Talkute, for the Respondent No.5.

**CORAM: NITIN W. SAMBRE AND
R. N. LADDHA, JJ.**

DATE : 16th JANUARY, 2023.

P.C. :-

. Petitioner, a practicing Lawyer at Bombay has moved this petition, by placing reliance on the communication issued by the Central Government on 31.07.2017, addressed to the Respondent, the Principal Secretary, Urban Development-II, Government of Maharashtra, Mantralaya. Vide said communication, the Respondent-Central Government has forwarded a copy of the Grievances made by the Petitioner dated 03.06.2017, as regards misappropriation of funds released under the Central Scheme i.e. UIDSSMT project of JUNURM. The Central Government has requested the State Government to take appropriate action as deemed fit on the complaint and further requested the State Government to furnish the reply to the applicant under intimation to the Central Ministry.

2. Petitioner holds his locus based on the fact that his grandfather Dhondi Aba Kakade was a co-owner of land, bearing Survey Nos. 10, 11 and 12, on which a Water Treatment and Supply Plant is installed. It appears that the grandfather of the Petitioner has executed a registered Sale Deed in favour of the Respondent-Municipal Corporation on 16.11.1972 thereby transferring the aforesaid Survey numbers, for a valuable consideration in favour of the Respondent-Corporation. The Counsel for the Respondent, in turn, has stated that Respondent has already executed the aforesaid Water Supply Scheme over the land in question.

3. Petitioner in the petition, has made two-fold allegations;

- a) that the land which was purchased, way back in 1972 is without any authority by the Respondent-Council, as the Council has no such powers under the Act and the Rules to purchase immovable property and,
- b) there is corruption in execution of the Scheme in question.

4. When confronted, the Petitioner who appears in person, a Lawyer, is not in a position to respond to the Court's query as to the date on which, the Project in question has commenced, progressed and completed. Rather, the Petitioner has stated that the mutation proceedings based on the above referred Sale Deed, are pending adjudication before the Tahsildar and as the land which was owned by his ancestors is within the ambit of Mahar Watan land as such has certain privileges attached. It is claimed that the Council ought not to

have purchased the land for valuable consideration. Be that, as it may; perusal of communication dated 31.7.2017, issued by the Central Government, speaks of the directions to the Principal Secretary, Department of Urban Development-II, to communicate to the Petitioner its response, to the complaint of the Petitioner dated 3.6.2017 i.e. enclosure to Annexure-A to the petition. It appears that the State Government inspite of lapse of more than 5 years has not communicated anything to the Petitioner though was directed by the Central Government. The State Government has also not placed on record their affidavit in response to the pleadings in the petition, inspite of, they being granted an opportunity to that effect.

5. Though Mr. Konde-Deshmukh, APP and Mr. Talkute appearing for the Respondent have rightly claimed that prayer in the petition is based on vague and belated allegation, still it was expected of the Respondent to communicate to the petitioner the outcome of his representation. The Petitioner has not brought to our notice violation of legal right or otherwise.

6. Learned Counsel for the Respondent-Municipal Council has placed on record copy of the Sale Deed referred above and has stated that Water Supply Scheme is already executed by completing the Project through the specialised agency i.e. Maharashtra Jeevan Pradhikaran.

7. In the aforesaid background, it will be appropriate, in out opinion, to dispose of the petition, with the directions to the State Government to communicate its decision in compliance with

communication of the Petitioner, dated 3.6.2017, as has been directed by the Central Government vide its communication dated 31.07.2017. We expect the State Government to issue its response to the compliance with the aforesaid directions in any case within 12 weeks from today.

8. Petition is disposed of accordingly.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]