



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 CRIMINAL WRIT PETITION NO.1841 OF 2022

RAUF NYAJU PATEL

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. V.A. Bagal, Advocate for petitioner

Mr. A.R. Kale, APP for respondent Nos.1, 2 and 16

Mr. S.G. Bhalerao, Advocate for respondent No.3

Mrs. Komal Kandharkar, Advocate for respondent No.4

Mr. S.P. Salgar, Advocate h/f Mr. A.R. Devakate, Advocate for respondent
No.5

Mr. A.A. Nimbalkar, Advocate for respondent No.7

Mr. S.G. Jadhavar, Advocate for respondent Nos.8 to 12

Mr. A.V. Indrale Patil, Advocate for respondent Nos.13 and 14

Mr. P.P. Mandlik, Advocate for respondent No.15

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CORAM : SMT. VIBHA KANKANWADI &
S.G. CHAPALGAONKAR, JJ.

DATE : 23rd OCTOBER, 2024

ORDER :

1

Present petition has been filed for following reliefs :

“(B) By issuing writ of mandamus or any other appropriate writ, order or directions in the like nature that, the Respondents No.2 to 4 may kindly be directed to initiate departmental inquiry and criminal prosecution against Respondents No.5 to 15 along with other responsible officers within stipulated period.

(C) By issuing writ of mandamus or any other appropriate writ, order or directions in the like nature that, the Respondents No.2 to 4 may kindly be directed to appoint the inquiry committed for conducting the inquiry of the tree plantation of the year 2019 to 2021 in all the sub divisions under the Respondent No.3 within stipulated period and submit the report before this Hon’ble Court.”

2 The respondents have appeared and also they have filed the affidavit. However, the fact that is emerging is that the Departmental Enquiry has been initiated by the Department as per rules. Communication to that effect has been given by the Desk Officer dated 22.10.2024 addressed to Superintending Engineer. It has also been informed that in view of the principles of natural justice an opportunity has been given to the alleged erring persons to put forth their say, however, thereafter, the technical opinion would be taken and the Departmental Enquiry would be concluded. For this purpose the Government says that it would require six months.

3 Thus, taking into consideration this communication, when already the Departmental Enquiry has been initiated, the main prayer of the

petitioner has been redressed. We hope and trust that the said Departmental Enquiry would be concluded within the six months period as stated in the said communication marked as Exh. 'A'.

4 We dispose of this Writ Petition by directing further that if in the Departmental Enquiry the State comes to the conclusion that criminal prosecution is necessary, then the State Government to take decision on the said aspect also.

5 Compliance be reported to this Court.

6 Place the matter on 28.04.2025.

(S.G. CHAPALGAONKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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