

Jvs.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3440 OF 2022

JAYANT
VISHWANATH
SALUNKE

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Sharad Laxman Dalvi } **Petitioner**
Versus
State of Maharashtra & Ors. } **Respondents**

Mr. Vikrant Anand Desai h/f. Mr. S. M. Kamble for petitioner.

Mr. O. A. Chandurkar, Additional Government Pleader with Ms. S. S. Bhende, AGP for respondents 1 to 6.

**CORAM: ALOK ARADHE, CJ. &
BHARATI DANGRE, J.**

DATE: JANUARY 27, 2025

P.C.:

1. In this writ petition, the petitioner, *inter alia*, seeks a direction against respondents 6 to 9 for misappropriation of funds which were allotted for implementation of *Panlot* Scheme for villages Vadavali and Hatip, Taluka Dapoli, District Ratnagiri. According to the petitioner, the aforesaid respondents have misappropriated the public funds while implementing the aforesaid scheme.

2. We have gone through the averments made in the affidavit in reply filed on behalf of respondents 1 to 6, wherein it has been stated that on an inquiry, it has been found that there are administrative irregularities in implementation of the scheme but there are no financial irregularities.

3. At this stage, learned counsel for the petitioner has invited the attention of this Court to the second inquiry report.
4. We have heard learned counsel for the parties.
5. It is trite in law that the jurisdiction of this Court under Article 226 of the Constitution of India is summary in nature and ordinarily it cannot be exercised as an alternate and efficacious remedy. Under section 7 of the Maharashtra Lokayukta and Upa-Lokayukta Act, 1971, the petitioner has alternative efficacious remedy of filing an application before the Lokayukta/Lokayukta, wherein an inquiry, with regard to the finding of fact whether or not there is misappropriation of funds in implementation of the scheme, can also be conducted.
6. In the aforesaid facts and circumstances of the case, we are not inclined to entertain the writ petition. The same is disposed of with liberty to the petitioner to make an application to the Lokayukta/Upa-Lokayukta under section 7 of the Maharashtra Lokayukta and Upa-Lokayukta Act, 1971.
7. Needless to say, in case such an application is filed within a period of one month from today, we hope and trust that the same shall be decided expeditiously.
8. It is clarified that this Court has not examined the merits of the matter.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)