



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 PUBLIC INTEREST LITIGATION NO.12 OF 2016

Ram Haribhau Ugale
VERSUS
The State Of Maharashtra And Others

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Mr. U. M. Maske Patil h/f Mr. V. V. Udhan, Advocate for the Petitioner.
Mr. R. S. Wani, AGP for Respondent Nos.1 to 5/State.
Mr. Shubham S. Kote h/f Mr. A. V. Hon, Advocate for Respondent No.

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**CORAM : SMT. VIBHA KANKANWADI &
AJIT B. KADETHANKAR, JJ.**

DATE : 05 MAY 2026

ORDER :

. Learned Advocate Mr. U. M. Maske Patil holding for learned Advocate Mr. V. V. Udhan submits that they have instructions to make a statement that the petitioner is no more.

2. The petition was filed as public interest litigation on 06.01.2016. From the record, we would see that after 29.06.2017, the matter was not even got circulated for any purpose. This shows that the petitioner was never seriously interested to pursue the matter.

3. The present petition was filed seeking coercive action against respondent No.6 and to remove the illegal encroachments carried out by



respondent No.6 and his relatives in the jurisdiction of Municipal Council Bhokardan and Dhavda village of Bhokardan Taluka, District Jalna.

4. Respondent No.6 was the member of Parliament from Jalna. Taking into consideration the pleadings, it can be seen that the present petition was in fact a private interest litigation and not public interest litigation and, therefore, there is no question of proceeding with the matter by substituting any other person. We are aware about the order passed by this Court while issuing notice on 20.06.2016 wherein it is observed that the Education Institution got a plot of land allotted on rent from Municipal Council, which was considered against the statute and even the prior sanction of the State Government is stated to have not been taken. Now, we can find that there is an affidavit of Mr. Narhari s/o Rambhau Shelke, the then Deputy Collector (General), Collector Office, Jalna, wherein he has specifically stated that the petitioner never approached to any authorities thereby praying for redressal of his grievance including that of the removal of the alleged encroachment. He also states that when this Court had directed to take instructions in respect of the nature of Departmental Enquiry against the government officers, the Collector, Jalna had issued letter dated 06.02.2007. The Enquiry Committee was appointed and had submitted report to the Divisional Commissioner, Aurangabad. The Divisional Commissioner,



Aurangabad thereafter submitted the proposal to the State Government for action. The explanations were taken from the concerned offices. It is specifically further stated that the State Government was satisfied that the construction of the cultural hall, roads, wall compound and bridge has been completed and it is put to the use for the public at large. There was no loss to the public money and therefore, State Government has turned down the Departmental Enquiry against the concerned officers. In respect of allegation in paragraph No.2, it is stated that there is no entry of respondent No.6's name in the 7/12 extract, however, 10 Acres of land is owned by one Cooperative Housing Society. In the said society, one plot admeasuring 60 x 60 square feet numbered as 1720 is owned by Mr. Dadarao Dashrath Danve. The plot was constructed after following due procedure as prescribed in law. In respect of the land allotted to the Educational Institution, it is stated that the resolution was passed in 2011 itself. Under such circumstances, taking into consideration all the facts supported by the affidavit filed on behalf of respondent No. 4, we are of the considered opinion that the present petition appears to be the outcome of political rivalry and, therefore, the Public Interest Litigation stands **dismissed**.

[AJIT B. KADETHANKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm