



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1083 PUBLIC INTEREST LITIGATION NO. 32 OF 2025

PRAKASH KAMLAKAR PATHAK

VERSUS

THE UNION OF INDIA THR ITS SECRETARY AND OTHERS

...

Prakash Kamlakar Pathak – Party-in-Person for petitioner

Mr. R.R. Bangar, Advocate for respondent No.1

Mr. V.M. Kagne, AGP for respondent Nos.2 to 5

Mr. H.V. Patil, Advocate for respondent No.6

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CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 17th MARCH, 2026

ORDER :

. Learned AGP submits two communications dated 06.03.2026; one to him and another to Commissioner, Latur City Municipal Corporation by Under Secretary, Government of Maharashtra, thereby informing that all the complaints made by present petitioner-in-person having clubbed / transferred to Commissioner, Latur City Municipal Corporation for the inquiry. Photo copies of those communications are taken on record by marking Exh. 'X' collectively.

2 The petitioner-in-person objects and submits that though it was specifically directed that respondent Nos.1, 4 and 5 to file affidavit-in-reply by order dated 16.12.2025, it has not been filed till today. By the said order it was observed by this Court that there is no necessity to issue notice to respondent Nos.2 and 3 at this stage, but, when respondent Nos.1, 4 and 5 do not want to file affidavit-in-reply, then at least the notice be issued to respondent Nos.2 and 3. He also submits that Exh. 'X' collectively is not the subject-matter of the Public Interest Litigation.

3 Learned Advocate for respondent No.6 submits that he will have to get instructions in respect of letter dated 06.03.2026 from the Commissioner and his course of action, but, he submits that affidavit-in-reply has been given of Smt. Mansi, Commissioner, Latur City Municipal Corporation, Latur on 05.03.2026.

4 Here, it is to be noted that the petition was originally filed for time bound inquiry by a special investigation team or high level committee under the supervision of this Court to investigate the allegations of corruption, unauthorized appointments, budget, manipulation and financial misconduct raised by the petitioner. The second prayer was in respect of directions to respondent Nos.1 to 5 to take immediate and appropriate action on the representations submitted by party-in-person, from time to time. By

way of amendment further prayers have been added to direct respondent No.6 to forthwith conduct a comprehensive, property-wise survey and verification of all municipal properties, including shops, commercial premises, lands and other immovable assets, which are under occupation of private individuals, tenants or occupants for several years, to identify all occupants who are in unauthorized possession of municipal properties, to direct to restrain the Municipal Corporation to all such unauthorized occupants to misuse, sub-let, commercial exploitation, alteration or change of user of municipal properties. Other consequential prayers have also been made. Thus, it can be seen that by way of amendment the scope of original Public Interest Litigation has been tried to be widened. Now, in the affidavit-in-reply respondent No.6 has tried to address the issue, but, certainly respondent No.6 is duty bound to obey the order of respondent No.1, when representations of petitioner are given to Commissioner for inquiry. In fact, prayer clause 'B' specifically states that directions be given to respondent Nos.1 to 5 to take immediate and appropriate action on the representations submitted by party-in-person. Certainly, whenever allegations are made, inquiry has to be conducted and representation cannot be taken as gospel truth. Only after the inquiry is made, the conclusion can be drawn and for that purpose we require the comprehensive affidavit.

5 Now, as regards the non submission of affidavit of respondent
Nos.1, 4 and 5 is concerned, learned AGP has not made any statement and,
therefore, in fact we express our displeasure as against respondent Nos.4 and
5. When opportunity is given to file the affidavit-in-reply that should be
filed. Giving directions to respondent No.6 was another independent action
on their part, but that does not mean that they should refrain themselves
from filing the affidavit.

6 Now, we specifically direct respondent Nos.4 and 5 to file
affidavit within a period of three weeks from today, failing which, we may
initiate action against them. When the prayer clauses are specifically
pointing out towards the action to be taken by respondent Nos.4 and 5, they
should address the same.

7 We also direct learned Advocate for respondent No.6 to take
instructions as to when the inquiry would be started as directed in the letter
dated 06.03.2026.

8 Place the matter for further consideration on 07.05.2026.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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