

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

PUBLIC INTEREST LITIGATION NO.47 OF 2012

Giridhar Chaturvedi .. Petitioner.
Vs.
State of Maharashtra & Ors. .. Respondents.

Mr.Tejesh Dande as Amicus Curiae for the petitioner.
Mr.V.P. Malvankar AGP for the Respondent No.1.
Mr.A.Y. Sakhare, Sr. Advocate a/w Ms.K.R. Punjabi for the BMC.

CORAM : A.S. OKA & A.K. MENON, JJ.

DATED : 26TH FEBRUARY, 2015

P.C.

1. Heard learned counsel appointed as amicus curiae, learned senior counsel appearing for the Municipal Corporation and learned AGP for the State.

2. A letter dated 17th December, 2009 addressed by Shri Giridhar Chaturvedi, National President of Bhrastachar Virodhi Manch was ordered to be treated as a PIL. There are subsequent letters written by Shri Chaturvedi to the Hon'ble the Chief Justice. There are certain letters addressed by Shri Chaturvedi to the Joint Commissioner of Police.

3. Briefly stated, the allegations in the said letter dated 17th December, 2009 are in relation to the alleged illegal structures

constructed in Dahisar area within limits of the Mumbai Municipal Corporation. The allegations are that the suits are being filed in respect of non existing structures in which orders of injunction have been issued. There is wild and sweeping allegation made that the suits are being filed on to basis of forged and fabricated documents. It is alleged that with the help of advocates representing the Mumbai Municipal Corporation, the litigants are in position to snatch the stay orders in respect of structures which are not in existence. There are allegations made against some of the police officers. It is alleged that they are supporting illegal activities of the local politicians and of those indulging in illegal construction. It is alleged that there is a racket involving several persons in relation to the construction of illegal structures. It is stated that when any dynamic police officer takes action against the racket, he is transferred.

4. There are affidavits on record filed by the office of the Mumbai Municipal Corporation. In the affidavit of Shri Arun Anant Rane, Assistant Engineer, (B & F) R/N Ward which is dated 5th December 2014, the details as regards certain suits have been set out. Today, an additional affidavit has been filed by the same officer giving details of seven suits. The learned senior counsel appearing for the Municipal Corporation states that on the basis of incomplete details in the letter dated 17th December, 2009, the Municipal Officers have traced out details of some of the suits. We find from

both the affidavits that very few suits are pending. Some of the suits have been dismissed and action of demolition has already been taken. In some suits, the Municipal Corporation is not a party.

5. The grievance of Shri Chaturvedi is that there are orders of injunction issued by the City Civil Court in relation to non existing structures. The petitioner will have to point out specific instances with all particulars by addressing a letter to the Commissioner of Municipal Corporation. If such specific instances are pointed out, we are sure that the concerned Municipal Officers will look into it. There is an affidavit filed by Shri Kiran Dabholkar, Assistant Conservator of Forests, Sanjay Gandhi National Park, Mumbai. The allegations made by Shri Chaturvedi as regards encroachments in Sanjay Gandhi National Park are general in nature. It is stated in the affidavit that when there is a litigation against Sanjay Gandhi National Park, the same is promptly attended. As far as the allegations against the police officer are concerned, very sweeping allegations have been made by Shri Chaturvedi. Before making such allegations in the letter to the Hon'ble the Chief Justice, he should have approached the appropriate higher police officer with his grievances. In the event Shri Chaturvedi has any specific grievance with regard to any police officer, he can always approach the concerned higher authority in the police department. Only if the grievances of Shri Chaturvedi are not addressed by the concerned authorities that he can approach this Court.

6. On the basis of wild and sweeping allegations, no action can be initiated by this Court. If Shri Chaturvedi has any specific grievances against municipal officers or advocates, he is free to make the same to the Municipal Commissioner.

7. On the basis of very wild and sweeping allegations made in the letters, we are unable to issue any writ. Subject to what is observed above, the petition is disposed of.

(A.K. MENON, J.)

(A.S. OKA, J.)