

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

PUBLIC INTEREST LITIGATION NO. 168 OF 2014

1. Shri Rajaram Pandurang Mukne & Ors. ... Petitioners

Vs

1. State of Maharashtra & Ors. ... Respondents

Mr. V.A. Gangal with Mr. Anup Deshmukh for the Petitioners.

Mr. V.B. Thadani, AGP, for the Respondents - State.

**CORAM : MOHIT S. SHAH, CJ &
B.P. COLABAWALLA, JJ.**

TUESDAY, 20 JANUARY, 2015.

P.C.:

1. In this Public Interest Litigation, the petitioners, 35 in number, have challenged the State Government Notification dated 31 July 2014, establishing the headquarters of the newly created Palghar District at Palghar. The petitioners have prayed for direction to the Government to have the headquarter of the newly created District at Jawhar or any other suitable centrally located place in the newly created District.

2. Affidavit-in-reply has been filed on behalf of the State Government in the Revenue and Forest Department pointing out that Thane District was the largest District in terms of population and it was difficult for administration in view of large area of the District and its population. The State Government, therefore, took the decision by Resolution dated 8 February 2012, to appoint a Committee under the chairmanship of the Divisional Commissioner, Konkan Division, to suggest bifurcation of the Thane District. The Committee suggested bifurcation of the Thane District into Thane District and Palghar District. The Committee suggested that the Palghar District to be newly created should have headquarters at Palghar. The Cabinet, at its meeting held on 13 June 2014, considered the said report and gave its approval for bifurcation of Thane district after following the procedure laid down under the Maharashtra Land Revenue Code, 1960. Accordingly, Draft Notification was published on 17 June 2014, inviting objections and suggestions from the general public. Time was given upto 15 July 2014 for submitting the objections and suggestions. After considering the objections and

submissions, the Divisional Commissioner, Konkan Division, submitted his report dated 21 July 2014. After considering the said report, the Government approved the proposal for bifurcation of the district and Final Notification was issued on 31 July 2014, bifurcating Thane District, by creating new Palghar District out of the erstwhile Thane District.

3. The decision to have the headquarter of Palghar District at Palghar has been defended by the Government. It is pointed out that Jawhar, where the petitioners want the headquarters to be, has only 12 hectare 2 R of Government land out of which 3 hectares and 59 R land has come into possession of the Government only on account of the breach of conditions and rest of the land is rocky and undulating in nature and hence the same was not suitable for the District Headquarters. Moreover, Jawhar is not accessible by the railway nor does it have infrastructure necessary for support of the Headquarters. As against the above facts, Palghar has Government land to the tune of 423 hectares 19 R. In view of the establishment of the new district, the District Headquarters would require about 6000 new posts for the

office of the Collector, Palghar and other Government offices. Therefore, residential accommodation would be necessary for about 6000 families. In view of the availability of land, Palghar was the ideal choice. Moreover, Palghar is well connected by railway. Even before creation of new Palghar District, there were 38 different Government departments at Palghar and for administrative convenience also, selection of Palghar as the headquarter of the newly created district is more logical and practical.

4. In view of the above justification given by the State Government, we do not find any merit in the challenge to the impugned decision which is an administrative decision taken after considering the relevant considerations. This Court is not to sit in appeal over such decisions.

5. At this stage, learned counsel for the petitioner would submit that Jawhar had one post of Additional Collector and there are other posts for addressing the problems of the Scheduled Tribes in the backward areas of Palghar District. It is submitted that a number of

officers holding those posts have been transferred to Palghar and that has caused prejudice to the tribals in Palghar District.

6. Having heard the learned counsel for the petitioners and the learned Assistant Government Pleader, while we are not inclined to interfere with the impugned Government decision to have Palghar as the headquarter of the newly created District of Palghar, we expect the Government to consider any representation which the petitioners may make for providing adequate number of Government officers available at Jawhar for addressing the problems of the Scheduled Tribes in the area. If the petitioners make a representation in this behalf, the Government will duly consider the same at the earliest.

7. Subject to the above observations, the Public Interest Litigation is dismissed.

CHIEF JUSTICE

B.P. COLABAWALLA, J.