

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION No.137 OF 2012

(Dr. Kirit Somaiya and another Vs. Mr. Sunil Tatkare, Minister of Water Resources,
Government of Maharashtra, Mantralaya, Mumbai and others)

Office Notes, Office
Memoranda of appearances,
Court's orders or directions &
Registrar's orders.

Court's or Judge's orders

Mr. Lalan Gupta, Advocate for the Petitioners.
Mr. Aspi Chinoy, Sr. Adv. for the Respondent No.1.
Mr. P.K. Dhakephakat, Sr.Adv. for the Respondent
Nos.16 to 18 & 20 to 22.
Mr. Jahagirdar, Sr. Adv. for the Respondent No.19.
Mr. V.A. Ganat, Sr. Adv. for the Respondent No.15.
Mr. Ashok Varma, Adv. for the Respondent No.10.
Mr. Vinod Joshi, Adv., for the Respondent No.11 & 12.
Mr. Roopadarsha Basu, Adv. for the Respondent No.29.
Mr. Anil Singh, AG with Mr. A.B. Vaguani GP with Mr.
P.G. Sawant, AGP for the State.
Mr. A.V. Antunkar, Sr. Adv. for the Respondent
Nos.4,5,7to9,24 to 27 and 31.

**CORAM : NARESH H. PATIL &
S. B. SHUKRE, JJ.**

DATED : 15th JULY, 2015.

P.C. :

This Public Interest Litigation was filed in
the year 2012 with following prayers :

(a) that this Hon'ble Court may be
pleased to issue a writ of mandamus or writ in the
nature of mandamus or any other appropriate writ
or direction of this Hon'ble Court under Article 226
of the Constitution of India ordering and directing
the Respondent Nos.2,3,4,5,6,8,10,23,24,26,28 and

29 to immediately carry out extensive detailed and independent inquiry and investigations in the complaints made by the petitioners in respect of the misdeeds and misconducts of the respondent No.1 and his coterie of people and submit periodical and final report of such investigation to this Hon'ble Court.

(b) that this Hon'ble Court may be pleased to stay the transfer of agricultural/non-agricultural land by the respondents and their group companies;

(c) that no third party interest should be created in the lands purchased by the respondent No.1 and the respondent Nos.13 to 22 and group. Status quo be maintained till the investigation is completed.

(d) that this Hon'ble Court may be pleased to freeze the bank accounts of all the fraudulent companies mentioned hereinabove;

(e) that this Hon'ble Court may be pleased to direct the respondent Nos.2 to 4, respondent Nos.8 to 10 and the respondent Nos.23 to 25 to coordinate with the investigation.

(f) that this Hon'ble Court may be pleased to direct formation of special investigation team to coordinate and monitor the investigation;

(g) interim and ad-interim relief in terms of prayer clauses (a) to () above;

(h) for such further and other reliefs as this Hon'ble Court may deem fit in the nature and circumstances of the present case.

During the pendency of the petition anti corruption bureau had initiated inquiry. This inquiry was initiated against the respondent No.1 Mr. Sunil Tatkare, former Minister of Water Resources, Government of Maharashtra. Reports were submitted by the State in a sealed envelop which were directed to be kept in the custody of Registrar (Judicial) of this Court.

Learned counsel on instructions of the petitioners submits that on a complaint lodged by petitioner No.1 Dr. Kirit Somaiya on 31st July, 2012 the Anti Corruption Bureau and the Enforcement Directorate, State of Maharashtra have initiated inquiry against the respondent No.1. Learned counsel further submits that the petitioner No.1 has been called by the concerned investigating agency to participate in the inquiry and accordingly the petitioner No.1 is participating in the inquiry. Learned counsel on instructions further submits that in view of this development the substantive prayer of the petitioner has been met. The counsel submits that in view of the statement made on behalf of the State and the instructions received the petition could be disposed of.

Learned Advocate General on instructions submits that appropriate authorities are conducting the inquiry into the allegations made by the petitioner against the respondent No.1. The inquiry would be conducted in accordance with law

on the basis of the material brought before it.

Learned Senior Counsel appearing for the respondents submits that in view of the statements made on behalf of the petitioners this petition could be disposed of. Learned counsel referred to order of Division Bench at Nagpur in PIL Nos.92/2012 and No.82/2012 passed on 12th December 2014 and stated that in those petitions allegations were similar as those made against the respondent No.1 herein. He further submits that on the statement made by learned Advocate General on behalf of State those petitions were disposed of by the Division Bench at Nagpur.

We have perused the said order. The learned Advocate General submits that the subject matter of those Public Interest Petitions disposed of by Nagpur Bench of Bombay High Court was in respect of irrigation projects undertaken in the State of Maharashtra.

We have perused the record. In view of the statement made on behalf of the petitioners and the State of Maharashtra that appropriate authorities are inquiring into the allegations made by the petitioner, we are of the view that this petition too deserves to be disposed of.

Petition is disposed of.

We direct the Registrar (Judicial) handover the sealed envelopes to Mr. Suil Pundlik Kalgutkar, Deputy Superintendent of Police (Anti

Corruption Bureau), Raigad Unit after verifying his identity.

It is clarified that we have not expressed any opinion on the merits of the allegations made in the petition.

(S. B. SHUKRE, J.)

(NARESH H. PATIL, J.)

Wadode