

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

PUBLIC INTEREST LITIGATION NO. 107 OF 2015

SUNIL VITTHALRAO KOTKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Kedar Balbhim R.
GP for Respondents: Mr. A.B. Girase

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CORAM : R. M. BORDE & A. I. S. CHEEMA, JJ.
Date: February 01, 2016

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PER COURT :-

1 The petitioner is objecting to allotment of plots, situated within the CIDCO area, in favour of respondent No.6 society. The petitioner claims to be a District President of one Shivakranti Yuva Sena. The petitioner has no individual interest in the allotment of plots in favour of the society. It is contended that, an advertisement was issued by the CIDCO in 2009, inviting applications for allotment of plots on lease basis for a period of 60 years, by adoption of draw of lots method. It is contended that, there were 216 applications received for allotment of plots and name of respondent No.6 society figured in the draw of lots as successful and as such, allotment was made in favour of the said society. The petitioner contends that, the formation of society

itself was founded on illegalities, since some of the founder members of the society were already having plots in the CIDCO area or in the city area. It is further contended that society later-on deleted ineligible members and admitted eligible members in the society. It is a matter to be inquired into by the CIDCO authorities, if appropriate complaint is made in that behalf. So far as petitioner is concerned, he is not a member of any society, who tendered application for allotment of plots and as such, the grievance raised by the petitioner, directed against certain individual members of society who have been allotted plot during the draw of lots need not be entertained. There is absolutely no public interest involved in the matter. Respondent No.6, who claims to be the chief promoter of the society has lodged a complaint in the Court of J.M.F.C., Aurangabad and the learned Magistrate has directed registration of FIR by issuing order under section 156(3) of Cr.P.C.. In pursuance to order issued by the J.M.F.C., Aurangabad, crime No.1-171/2014 has been registered for commission of offenses under sections 406, 417, 420, 467, 468, 471 read with 34 of I.P.C. against the respondent Nos. 7 to 17 and officials of the Cooperation Department. The petitioner is neither the resident of CIDCO area, nor concerned with the said society, nor was an applicant at the stage of allotment of plots by CIDCO.

2 Apart from this, the allotment of plots is made in 2009, whereas the instant petition is presented in 2015, after lapse of six years. On the ground of delay and laches committed in approaching the High Court also, the grievance raised in the petition, need not be entertained. We are of the prima facie opinion that, instant petition does not address bonafide grievance which need to be entertained in the larger public interest, but petition appears to have been presented for either ventilating personal animosity or may have been presented for certain collateral purpose.

3 In this view of the matter, the amount of Rs.15,000/- deposited by the petitioner in pursuance to directions issued earlier, stands forfeited to Government.

4 Public interest litigation stands dismissed.

(A. I. S. CHEEMA, J.)

(R. M. BORDE, J.)