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IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CRIMINAL APPELLATE JURISDICTION******PUBLIC INTERST LITIGATION No. 29 OF 2015******Mahendra Aytul Dhodia******....Petitioner******Vs.******Richard Paul Fernandes and Ors.******....Respondents***

Mr. Diwakar A. Dwivedi for Petitioner

Mr. S.K. Shind – Public Prosecutor a/w. Mr.S.V. Sonawane APP for
Respondent -State

Mr. Vineet Naik, Senior Counsel a/w. Kirit Hakani for Respondent No.6

Ms. Gauri Godse for Respondent Nos. 7 & 9

Ms. Surekha Sonawane for Respondent No.10

***CORAM : V. M. KANADE &
Mrs. SWAPNA S. JOSHI, JJ******DATE : SEPTEMBER 28, 2016*****P.C. :**

1. By this petition, which is filed as a PIL under Article 226 of the
Constitution of India, 1950, seeking following reliefs:

“(a) The Hon'ble Court be pleased to direct the Anti-
Corruption Bureau or any such other investigating Agency to
investigate the fraud played by builders and developers in
collusion and connivance with errant Officers of State of
Maharashtra and Municipal Corporation of Greater Mumbai

and for having submitted false information to the Additional Collector and Competent Authority (U.L.C.) for Greater Mumbai and for having submitted forged, fabricated and bogus documents before the said Authority, to register the F.I.R. against Respondent Nos. 6 to 9 and to take action against the other culprits, if any, according to law.

(b) The Respondent No.10 be directed to demolish the buildings constructed beyond exemption which could have been genuinely granted for the shares of 10 legal heirs of John P. Gonsalves and also to initiate against Respondent No.6 to 9 under MRTP Act.”

2. It is not in dispute that the application under the U.L.C. Act was filed in the year 1996. The present PIL is filed almost after 20 years. The allegation is that the land belonging to John P. Gonsalves was given to Respondent No.6 and family members along with John P. Gonsalves committed a fraud with the Additional Collector and Competent Authority. It is not in dispute that the John P. Gonsalves expired on 24.11.1981. It is also not in dispute that the family members of John P. Gonsalves filed a suit which was settled. A criminal complaint was also dismissed by filing 'C' Summary report. In the petition there is an averment made in paragraph 12 that the Petitioner

came to know about the fraud played by Respondent Nos. 6 to 9 with the U.L.C. and this fact was confirmed by Respondent Nos. 1 to 5, who are the family members of the John P. Gonsalves .

3. We are of the view that it will not be possible to entertain this petition as PIL, firstly; on the ground of gross delay of 20 years of filing this PIL and, secondly; since the family members of John P. Gonsalves had already exhausted a remedy which is available to them by filing of suit and other proceedings. Thirdly, in our view, there is no public interest is involved and it is an individual centric petition. Hence, PIL is dismissed.

Mrs. SWAPNA S. JOSHI, J.

V.M. KANADE, J.