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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL PUBLIC INTEREST LITIGATION No. 42 OF 2015

Conscious Citizen ForumPetitioner
Vs.
The State of Maharashtra and Ors.Respondents

Mr.Satish R. Mishra for Petitioner
Mr.F.R. Shaikh -APP for State -Respondent No.1
Mr.Sumit Kothari for Respondent No.12

CORAM : V. M. KANADE
REVATI MOHITE DERE, JJ

DATE : JANUARY 04, 2016

P.C. :

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

“(a) That this Hon'ble Court be pleased to pass appropriate Writ, Order, direction directing the Respondent Nos.4,9 and 10 to cancel all the agreements executed by them for the purpose of quarry/ Mining/ Crushing stone under the jurisdiction of District Raigad and Thane on such terms and conditions as this Hon'ble Court may deem fit and proper.

(b) That this Hon'ble Court be pleased to pass appropriate Writ, Order, direction directing the Respondent No.1 to appoint Special Investigation Team (SIT) to conduct enquiry against the 83 mines including Thane/ Raigad District who

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had been violated the rules and regulation for quarry/ mining /crushing stones under the jurisdiction of Dist. Thane / Raigad.

(c) That this Hon'ble Court be pleased to pass appropriate Writ, Order, direction directing the Respondent No.1 to appoint CISF to take over all the process of mining security including explosive work on such terms and conditions as this Hon'ble Court may deem fit and proper.

(d) That this Hon'ble Court be pleased to pass appropriate Writ, Order, direction directing the Respondent No.3 to conduct enquiry against the officers who failed to register FIR against M/s. Girja Stone Crushing Company on such terms and conditions as this Hon'ble Court may deem fit and proper.

(e) That this Hon'ble Court be pleased to pass appropriate Writ, Order, direction directing the Respondent No.6 to submit the records at all the labours who had been lost their life during the time of mining work.

(f) Any other and further order as this Hon'ble Court may deem fit and proper.”

2. The Petitioner is seeking, inter alia, an appropriate writ, order and direction for cancelling the agreements executed in respect of 83 mines. However, the Petitioner has added only one person as Party Respondent No.12 and has not added other 83 persons as party

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Respondents who have executed the agreement with the concerned authority.

3. The learned counsel for Respondent No.12 submits that the Petitioner has an alternate efficacious remedy of challenging the agreement which has been executed by the Respondents before the appropriate Forum.

4. In our view, the petition is not maintainable since the Petitioner has added only one Respondent which is a Party Respondent No.12. Hence, petition is disposed of on the ground of non-joinder of necessary parties, reserving the right of the Petitioner to file an appropriate petition or take recourse of the alternate remedy which is available in law.

[REVATI MOHITE DERE, J.]

[V. M. KANADE, J.]