

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 147 OF 2016**

Mr. Nikunj Raval .. Petitioner
V/s.
The District Collector, Alibaug
District and ors. .. Respondents.

Mr. Nikunj Raval, Petitioner in person.
Ms S.S. Bhende, AGP for the Respondent- State.
Ms Shoma Maitra a/w. Mr. A. Postuala i/b Wadia Ghandy &
Co. for Respondent No.4.
Mr. G.S. Hegde i/b M/s. G.S. Hegde & Associate for Respondent
No.6-CIDCO.

**CORAM: DR. MANJULA CHELLUR, C.J.
AND M.S.SONAK, J.
DATE : 21 OCTOBER 2016.**

P.C.

1] Heard Mr. Nikunj Raval, who appears in person. Mr. Raval states that he is an advocate, who has no personal interest in this matter and this petition is instituted in public interest who espouse the cause of 215 Project Affected Persons (PAPs), whose lands have been acquired by the State Government some time in the year 2004 for setting up Navi Mumbai Project.

2] In the petition, the petitioner has prayed for the following reliefs:

- “a. Rule be issued, recording and proceedings of this case be called on expeditious.*
- b. This Honorable Court be pleased to issue the writ of continuous mandamus, writ of certiorari, order, direction or any other order, directions or appropriate writ in the nature of*

certiorari calling for the records and proceedings in respect of impugned order dated 27th February 2004 & dated 6th October, 2005 passed by Respondent No.2 in LA/Nhave/SR/2 of 1994 and after perusing the legality, propriety and correctness of the said order be pleased to quash and set aside the same.

c. Direction may be given to the State, to grant compensation as per the current market value to the petitioner against his acquired land or return the acquired land back to the petitioner.

d. The Petitioner should be compensated with interest for the delay of 12 years for not granting the actual compensation against the petitioner acquired land as per the value of the petitioner land.

e. The Honorable High Court may take concerned of the 215 PAP's who are waiting for the past 12 years for their compensation with no fault of their, should be granted compensation at the earliest.

f. The Honorable High Court may declare all the consent terms in LAR no. 47/2006 between respondent no.5 & 215 PAP's to be null & void, as it is obtained by coercion & fraud and therefore, it should not be binding on the PAP's.

g. This Honorable Court further be please to issue writ of mandamus, writ of certiorari, order, direction or any other order, directions or appropriate writ, directing the CIDCO LTD to blacklist the respondent no. 4 & 5 should not be allowed to operate within the limits of CIDCO Ltd in respect of plots allotted by CIDCO to the 215 PAP's of Village-Nahve or for any other PAP's.

h. This Honorable Court further be please to issue writ of mandamus, writ of certiorari, order, direction or any other order, directions or appropriate writ, directing the CBI or any graduated officer of the rank of DCP of Mumbai police to investigate the said fraud committed by respondent no. 2,4 & 5 by way of registering an offence against them as per the provisions of Indian Penal Code and any other relevant acts.

i. The affidavit filed by the respondent no. 4 & 5 in writ petitions indeed reeked of mala-fide intention and is deliberate in nature. It is a prima facie case of 'deliberate false hood' and

filing false affidavit is an evil which must be effectively curbed with a strong hand in the interest of justice.

j. This Petition is of serious issue and the matter of great concerned of which the Honorable High Court should take cognizance and act at the earliest or if not done so, "the common men will lose faith in the judiciary & in The Highest Court of the state".

k. Any other suitable and equitable order be kindly passed in favor of the 215 PAP's ;

l. This Public Interest Litigation be allowed with costs.

3] There is no material placed before us to establish that the so called 215 PAPs have any grievances with regard to the acquisition or the subsequent rehabilitation. In any case, there is no material on record to establish that such so called PAPs are unable to themselves ventilate their grievances before the Court of law. The petitioner, accepts that he has not personally met these so called PAPs, but states that he has acquired knowledge of certain consent terms in land acquisition case number, i.e., LAR No. 47 of 2006 entered into between respondent No.5 and so called 215 PAPs, by resort to the provisions of Right to Information Act, 2005 (RTI). In fact, one of the reliefs claimed in the petition is a declaration that all the consent terms in LAR No. No. 47 of 2006 between respondent No.5 and 215 PAPs be declared as null and void, since, according to the petitioner, such consent terms were obtained by coercion and fraud.

4] Learned advocate appearing for the CIDCO points out that there are several proceedings pending in this Court instituted by persons whose lands may have been acquired for Navi Mumbai

project, seeking *inter alia* enhancement of compensation. He submits that if at all the so called PAPs have any grievance, they are certainly in a position to agitate the same and the petitioner, who has not even met such PAPs may not be permitted to espouse their cause or raise any factual disputes on their behalf.

5] Upon perusal of the petition, including more particularly the reliefs claimed therein, we are satisfied that this is not a fit case to be entertained as a public interest litigation. If the persons, whose lands have been acquired have any grievances, it is open to such persons to institute appropriate proceedings before the appropriate forum for assertion of their alleged rights or for seeking redressal in respect of their alleged grievances. Merely because the petitioner is an advocate by profession, he cannot claim to espouse their cause in his personal capacity and maintain the public interest litigation. The petition as instituted raises disputed questions of fact. It is not for the petitioner to state without even having met the so called PAPs that the consent terms entered into between the said persons and respondent No.5 were obtained by coercion & fraud and therefore, are null and void. These are factual matters, which cannot be decided on basis of mere allegations made by 3rd parties like the petitioner. We are not satisfied that the petitioner is a proper relator or *pro bono publico* litigant, who ought to be permitted to espouse the cause of the so called 215 PAPs.

6] From the petition, it appears that the acquisition in question was completed some time in the year 2004. If this be so, then there is also the issue of delay and laches involved.

7] Therefore, we dismiss this purported public interest litigation. However, we clarify that in case the so called PAPs have any grievances which remain to be redressed, then, dismissal of the present petition, shall not preclude them from instituting appropriate proceedings before the appropriate forum. There shall be no order as to costs.

(CHIEF JUSTICE)

(M.S.SONAK, J.)