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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

PUBLIC INTEREST LITIGATION No. 178 OF 2015

COL. Chandrashekhar Unni (Retired) and Anr.Petitioners

Vs.

The State of Maharashtra and Ors.

....Respondents

Mr. Deepak Waghmbare i/b. Dr. Gururatan Sadavarte for the Petitioners
Mr. V.B. Thadani -AGP for Respondent Nos.1 to 3 and 5

***CORAM : V. M. KANADE &
SMT. SWAPNA S. JOSHI, JJ***

DATE : AUGUST 23, 2016

P.C. :

1. By this PIL, which is filed under Article 226 of the Constitution of India, the Petitioners are seeking the following reliefs:

“a) That this Hon'ble Court may kindly be pleased to issue the rules and in furtherance may kindly be called the record and proceedings from the Respondent State Authorities with respect to the above mentioned cause.

b) That this Hon'ble Court may kindly be pleased to issue Writ of Mandamus or any appropriate writ or directions on account of the Respondent Legal Metrology Department and

other Respondent State Authorities failed to exercise the powers as per the Legal Metrology Act, 2009 and notification Legal Metrology (Packaged Commodities) Rules, 2011.

c) That this Hon'ble Court may kindly be pleased to direct the Respondents Legal Metrology Authority to exercise the powers as per the notification Legal metrology (Packaged Commodities) Rules, 2011 on the complaint of milk overcharging within the time frame.

d) That this Hon'ble Court may kindly direct the Respondent Authorities to take steps to restrain milk adulteration by using urea, starch, sugar and water by the aware of initiating lawful action in accordance with law as it is permissible.

e) That this Hon'ble Court may kindly be pleased to direct the State Authorities to initiate the steps in competence of Legislature. So the overcharging of milk, water bottles shall not takes place as the admitted fact the Legal Metrology Department is like the tiger without teeth. So as per the communication of the Legal Metrology Department to amend the law pertaining to the enhancement punishments and powers

to effective prosecution.

f) That this Hon'ble Court may kindly be pleased to direct the Legal Metrology Department, Maharashtra State to take steps in accordance with law on the complaint which are annexed to the present petition.

2. In our view, the reliefs claimed by the Petitioners cannot be granted by this Court while exercising its writ jurisdiction under Article 226 of the Constitution of India. Moreover, the Respondents have filed their affidavit in reply stating therein that whatever complaints have been filed by the Petitioners, action is taken by the concerned authorities. In view of the affidavit in reply filed by the respondents, nothing survives in the PIL. Hence, PIL is disposed of.

SMT. SWAPNA S. JOSHI, J.

V.M. KANADE, J.