

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

CIVIL APPLICATION NO.108 OF 2016

IN

PUBLIC INTEREST LITIGATION NO.28 OF 2013

...

Bal Malkit Singh

...Applicant

And

Shrikant Madhav Karve and anr.

...Petitioners

v/s.

The Secretary (Parivahan IV)

Ministry of Home Affairs,

Government of Maharashtra & ors.

...Respondents

AND

CIVIL APPLICATION NO.109 OF 2016

IN

PUBLIC INTEREST LITIGATION NO.28 OF 2013

...

Mumbai Autorikshaw Union

...Applicant

And

Shrikant Madhav Karve and anr.

...Petitioners

v/s.

The Secretary (Parivahan IV)

Ministry of Home Affairs,

Government of Maharashtra & ors.

...Respondents

...

Mr.Uday P.Warunjikar, Amicus curiae.

Mr.G.S.Hegde a/w Mr.C.M.Lokesh for the Applicants.

Mr.Rohit Deo, Acting Advocate General a/w Mr.A.B.Vagyani, GP, and

Mr.P.G.Sawant, AGP for the State.

Mrs.S.V.Bharucha for the Respondent No.5.

...

**CORAM : A.S.OKA &
A.A. SAYED, JJ.**

DATED : 1 SEPTEMBER 2016

P.C.:

Civil Application No.109 of 2016 has been filed by the Mumbai Autorikshaw Union. The prayer made in this Application is very peculiar. The prayer is for grant of permission to the Transport Authorities to carry out brake tests pending construction of tracks having length of 250 meters.

2. Firstly, such Application in disposed of PIL is not maintainable. Secondly, even members of the Applicant in Civil Application No.109 of 2016 should be keen to ensure that the State Government follows the law. According to us, this Application is not bonafide and the same is rejected.

3. As far as Civil Application No.109 of 2016 is concerned, the same is filed by a person who is the owner of several goods vehicles. His prayer is for permitting conduct of brake tests on a public road having width of 150 meters. Considering the nature of the prayer, it is obvious that the Application is not bonafide and the same deserves to be rejected.

4. Accordingly, these two Applications are rejected.

(A.A. SAYED, J.)

(A.S.OKA, J.)