

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 83 OF 2016

Mr.Gopal Ishwarlal Jhaveri. ... Petitioner.
V/s.
State of Maharashtra and others. ... Respondents.

Ms.G.Geetha i/b. H.Kumar Vaidyanathan for the petitioner.
M.M.Pabale, AGP for the State.

**CORAM : DR.MANJULA CHELLUR, C.J.
AND M.S.SONAK, J.**

DATE : 2nd December 2016.

PC. :

The petition before us is seeking the following reliefs:

- “a) The Hon'ble Court may be pleased to issue writ of continuous Mandamus or a writ in the nature of mandamus or any other writ, Order or Direction, directing.
- b) The Respondents to take such measures so as to secure strict compliance and also to appoint an investigating Authority as to why the said project was mutually terminated without any liability and/or penalty to any or both the parties to the concession Agreement.
- c) Pass such other and further orders as this

Hon'ble Court may deem proper and expedient
in the Public interest.

d) For expeditious hearing of this petition.

2. No doubt, as one of the citizen of this country he may feel that delay in completion of Metro Projects is nothing but to deprive all people of the benefits of the Metro Project. The petitioner has also referred to the termination of project mutually without any liability or penalty. Therefore, according to the petitioner, there is loss caused to the public exchequer. The prayers made are too vague and there cannot be any specific direction unless the petitioner places on record the *malafides* or arbitrariness in any of the actions taken either by the State or the instrumentality of the State. If the project is terminated mutually, we do not find any grievance as such. If there is delay in the project being completed, then in that case, by seeking information about the same under the Right to Information Act the petitioner can first satisfy himself whether there are any *bonafides* or not.

3. In the light of the above observations, at this stage, we are of the opinion that the petitioner cannot agitate his grievances in this manner. The petition is disposed of accordingly.

(M.S.SONAK, J.)

CHIEF JUSTICE