

BDPPS

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO.252 OF 2014**

Jugal Bhiku Patel & Anr.

..... Petitioners

V/s

Union of India & Others

..... Respondents.

Mr. Devmani Shukla for the Petitioners.

Mr. Vijay Kantharia a/w Mr. Ashok Varma, Mr. S.V. Bharucha for
Respondent No.1/UOI.

Mr. Shrishailya S. Deshmukh for Respondent No.2.

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

DATE: 3rd October, 2016

P.C.:-

1. The grievance of the Petitioners is that the land of the people belonging to Schedule Castes and Schedule Tribe is being grabbed by the unscrupulous developers and builders. Petitioners are therefore seeking the following reliefs:-

“(a) Rule be issued;

(b) For a writ or an order in the nature of a writ of this Hon'ble Court directing the Respondent No.1 to direct the Respondent No.3 to immediately and forthwith carry out detailed time bound enquiry and investigation into the Petitioners letter dated 18th June 2014 and upon completion of the said

enquiry and investigation proceed with prosecution to ensure punishment of persons found guilty of wrongs and illegalities subject matter of the enquiry and investigation report.

(c) For a writ or an order in the nature of a writ of this Hon'ble Court directing the appointment of a Special Investigating Team (SIT) headed by a retired Judge of this Hon'ble Court to immediately and forthwith carry out detailed time bound enquiry and investigation into the Petitioners letter dated 18th June 2014 and upon completion of the said enquiry and investigation submit a report to this Hon'ble Court for further necessary directions.

(d) pending the hearing and final disposal of the present Petition for an order of this Hon'ble Court directing the Respondent No.2 to immediately and forthwith file an affidavit before this Hon'ble Court and inform in writing the action taken if any upon receipt of the Petitioners letter dated 18th June 2014.

(e) Ad-interim reliefs in terms of prayer clause (a) and (d) above;

(f) For costs of the present petition;

(g) For such other and further reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. The learned Counsel appearing on behalf of Respondent No.2 submits that there is an alternative efficacious remedy available to the aggrieved persons of filing an appeal under Regulation No.45 of the Dadra and Nagar Haveli Land Reforms Regulation, 1971. He

submitted that such aggrieved persons can very well file an appeal.

3. We are of the view that since such alternative and efficacious remedy is available to the aggrieved persons, they can very well exhaust that remedy.

4. Reserving the right of such persons to approach the appropriate forum, PIL is disposed of.

(MRS. SWAPNA S. JOSHI, J.)

(V.M. KANADE, J.)