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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION No. 192 OF 2015

Shri Arun Balkrishna Mhatre & Anr. ... Petitioners
Vs.
The Collector, Raigad & Ors. ... Respondents

Mr. S. V. Pitre, for the Petitioners.

Mr. N. C. Walimbe, AGP for Respondent No. 1.

Mr. S. P. Bharti, for Respondent No. 2.

Mr. D. D. Madan, Sr. Counsel a/w S. V. Doijode, a/w Ms. Taruna Nagpal i/b Doijode Associates, for Respondent No. 3.

Mr. Ramkrushna Yedave h/f Vijay Killedar, for Respondent No. 5.

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

DATE : SEPTEMBER 14, 2016

PC.

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

“(a) Rule be issued.

(b) This Hon'ble Court may be pleased to issue a writ of mandamus or any other writ, order, or direction in

the nature of mandamus and be pleased to declare that the action of Respondent No. 1, Collector to transfer the land belonging to Nagaon Grampanchayat is arbitrary, illegal and against the public interest and therefore, bad in law and be further pleased to direct the Respondent No. 1 to restore back the said land belonging to Nagaon Grampanchayat from Respondent Nos. 2 and 3 to the original owners i.e. Nagaon Grampanchayat.”

2. The learned senior counsel appearing on behalf of Respondent No. 3 has taken a preliminary objection about maintainability of the PIL on the ground that the land was transferred way back in 1973, and after lapse of almost 40 years this PIL is filed.

3. We find the averments made in paragraph 4 of the PIL that 10 acres of land was transferred to Respondent No. 2. Similarly, in paragraph 5 of the PIL it is stated that 74.64 Hectors of land was transferred to Respondent No. 2 – Maharashtra Tourism Development Corporation. The said land was transferred for the purpose of promoting tourism throughout Maharashtra. Thereafter, in 2006 Respondent No. 2 invited tender on 7th June, 2006. It was given to Respondent No. 3. It is not in dispute that Respondent No. 3 paid the

entire amount of Rs. 4,31,00,000/-, as stipulated by the Letter of Allotment. In our view, there is a gross delay in filing the PIL. Moreover, in our view, if the Grampanchayat was aggrieved by the said Letter of Allotment issued in favour of Respondent Nos. 2 and 3, they would have approached this Court. Taking into consideration the aforesaid fact, we are of the view that there is no public interest involved in this PIL, and secondly, the aggrieved persons can approach this Court. Reserving the right of such persons, PIL is disposed of.

Sd/-

[Smt. SWAPNA S. JOSHI, J.]

Sd/-

[V. M. KANADE, J.]

Vinayak Halemath