

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO.19 OF 2014

Mr.A.W.Mulla for the Petitioner
Ms Geeta Shastri, Addl.G.P for the respondent No.6
Ms Trupti Puranik for respondent No.1

1 The substantive challenge in this petition is to the order of the State Government under clause(c) of sub-section 1-AA of section 37 of the Maharashtra Regional and Town Planning Act,1966 by which the reservation on the plot in question in the sanctioned development plan for a municipal primary school has been changed to "industrial training centre". The petitioner is a registered public trust. The petition discloses that in the year 2002, an application was made by the petitioner to the Mumbai Municipal Corporation for allotment of the said plot for construction of its primary and secondary school. Therefore, the question is whether the petitioner can maintain this petition as a Public Interest Litigation. Though the learned counsel for the petitioner claims that the

petitioner is not interested in claiming the allotment of the plot in question, we may note clause (g) of clause 2 of the points to be considered in the synopsis which read thus:

“(g) the letter of request issued by trust reminding the MCGM for allotment of the plot reserved for primary school.”

2 Thus, the petitioner-trust was interested in allotment of the plot of land subject matter of this petition. Therefore, the petitioner is disentitled to maintain this PIL. We, therefore, decline to entertain this PIL. We dispose of the PIL. If the petitioner is aggrieved by the impugned order, it will be open for the petitioner to challenge the same in accordance with law. All contentions on merits are kept open.

(G.S.KULKARNI,J.)

(A.S.OKA,J.)