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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION No. 83 OF 2013

Resources of Aviation Redressal
Association (ROAR) & Ors. ... Petitioners
Vs.
Union of India & Ors. ... Respondents

Mr. Vaibhav Pandya i/b V. J. Hegde, for the Petitioners.

Mr. Kevic Setalvad, Sr. Counsel a/w Kavita Anchan i/b M. V. Kini &
Co., for Respondent No. 2.

CORAM : V. M. KANADE, &
REVATI MOHITE DERE, JJ.

DATE : FEBRUARY 23, 2016

PC.

1. By this petition, which is filed as PIL, Petitioners are
seeking following reliefs:

“(a) that this Hon'ble Court be pleased to issue a writ of
mandamus or any other appropriate writ, order and /
or direction in the nature of mandamus, thereby
directing the Respondent No. 1 and 2 to forthwith
and in any event within such public time as may be
permitted by this Hon'ble Court, call for appropriate

public tenders and / or such public competitive bidding process in respect of the grant of the Lease of the land admeasuring 18000 sq. meters, situated at the junction of the Andheri – Ghatkopar Link Road and Airport Road, Andheri (East), Mumbai 400 059 more particularly described in the Deed of lease to the successful bidder strictly on merits, in accordance with the law and in a fair, open and transparent manner;

- (b) for costs of this petition and such other and further orders as this Hon'ble Court, may deem fit in the circumstances of the case aforesaid.”

2. In our view, this issue cannot be decided by us while exercising our writ jurisdiction under Article 226 of the Constitution of India and the Petitioners, therefore, can exhaust an alternate available remedy, viz. filing an appropriate suit before the appropriate Court, if it is maintainable in law. Hence, PIL is disposed of reserving the right of the Petitioner to exhaust an alternate remedy, if available in law.

Sd/-
[REVATI MOHITE DERE, J.]

Sd/-
[V. M. KANADE, J.]