

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO. 119 OF 2014

Ghansham Chaganlal Jatolia & Anr.	.. Petitioners
V/s	
State of Maharashtra & Ors.	.. Respondents

Mr. Mohan Bapu Gawade for the petitioners.
Mr. U.S. Upadhyay, A.G.P for respondent nos.1 to 5 and 8.

**CORAM: DR. MANJULA CHELLUR, CJ. &
M.S. SONAK, J.**

DATE : 16th NOVEMBER 2016

P.C.:

This public interest litigation is filed by the petitioners as a *pro bono publico* contending that a plot of land admeasuring 9839 sq. yards out of survey no.14 of Chembur, Bombay Suburban District, was allotted to Rashtriya Co-operative Housing Society for the benefit of people belonging to Backward Class community. According to the petitioners now Rashtriya Co-operative Housing Society is changed as Jitendra Makhwana Co-operative Housing Society Ltd., Chembur, thereby the members of the society largely belong to other communities other than Backward Class community. Therefore, according to them, the entire modus operandi in getting the allotment and thereafter distribution to the members of the society is make-believe story that it was meant for the people of Backward Class community, but in fact the purpose is not achieved

and hence allotment of the land to the society must be taken back or cancelled.

2. Learned Government Advocate brings to our notice that the office of the District Collector, Mumbai Suburban District is seized of the matter. As a matter of fact, an inquiry seems to have commenced in the year 2010 or so and is still pending. Even the petitioners have made certain annexures which reveals that such an inquiry is within the knowledge of the petitioners. If the concerned authority is already seized of the matter with regard to the issue or controversy raised by the petitioners, we find no reason to keep the PIL petition pending. The inquiry now pending before the District Collector, Mumbai Suburban District, has its logical conclusion after giving opportunity to all the parties concerned. We make it clear that even the petitioners can participate in the said inquiry and if they make such an application, the District Collector concerned must hear them as well. Since the inquiry is kept pending for the last so many years, we make it clear that the District Collector, Mumbai Suburban District, shall take the inquiry in question to its logical conclusion within one year from the date of receipt of a copy of this order.

3. With these observations, the PIL is disposed of.

(M.S. SONAK, J.)

CHIEF JUSTICE