

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

PUBLIC INTEREST LITIGATION (L) NO. 58 OF 2016

Adv. Manoj Laxman Shirsat. .. Petitioner
Vs
State of Maharashtra and Others. .. Respondents
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Shri Manoj Laxman Shirsat, the Petitioner in person.
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CORAM : A.S. OKA & A.A.SAYED, JJ
DATED : 30TH JUNE 2016

PC.

1. Heard the Petitioner appearing in person, who is a member of the Bar. He has invited our attention to the prayers made in the PIL No.57 of 2012 and the orders passed from time to time. In the said PIL, this Court has recorded a prima facie finding that there is a need to allot a large plot of land for the construction of a new High Court Complex considering the larger interest of the litigants and the members of the Bar and the institution of the High Court in general. In the existing High Court Complex, there are no basic amenities for the large number of litigants who visit the Court every day. There is no proper sitting area for the litigants. Adequate toilets are not available for the litigants. The staff of this Court works in inhuman conditions as there is no proper space for storage of files and for sitting. The Advocates also face inconvenience. There is no facility for parking of vehicles.

2. The orders passed by this Court will show that the two major Bar Associations representing the Advocates practising in the High Court, i.e. the Bombay Bar Association and the Western India Advocates Association, have in principle agreed that there is a need to shift the High Court to a bigger property. In fact, the orders passed by this Court will show that the State Government in principle has agreed to allot sufficiently large plot of land at Bandra (East) which is centrally located in Mumbai and is very close to Bandra-Kurla Complex business hub. It is close to International and Domestic Airports. The statement made by the learned Advocate General to that effect is recorded in the order dated 13th April 2016 passed in the said PIL. In fact, the State Government is in the process of taking a decision as regards the allotment of a sufficiently large plot of land for construction of a new High Court Complex as well as allotment of a plot for construction of chambers for the members of the Bar.

3. The first prayer in this PIL is for directing a structural audit of this Court. This entire PIL is founded on the contention that instead of seeking allotment of a suitable plot elsewhere, the property occupied by three buildings i.e. (i) the Hongkong and Shanghai Banking Corporation Limited (HSBC), (ii) Bank of India and (iii) Standard Chartered Bank, which is very close to High Court should be acquired so that on the said property, the additional buildings can be constructed.

4. The Petitioner appearing in person fairly concedes that the acquisition may not be easy and the compensation payable under the prevailing law is more than three times the market value of the property.

5. Hence, the cost of acquisition of the said three prime properties in the most prime area of Fort in South Mumbai will be astronomical. The entire Petition is founded on the suggestion of the Petitioner that by acquiring the said valuable properties in the vicinity of the High Court Building, the additional need of the High Court can be fulfilled. He has made various submissions regarding construction of a new High Court Complex and the difficulties which may be faced by the Judges and the members of the staff in case the Court is shifted at Bandra. The State Government will have to allot a plot for construction of Judges' quarters as well. The members of the staff who stay in suburbs and adjoining Districts will not be inconvenienced as the plot proposed to be allotted is centrally located. Moreover, we must note that the paramount consideration should be the interests of the litigants.

6. The orders passed by this Court from time to time in PIL No.57 of 2012 note that the present infrastructure is not at all sufficient

to cater the need of litigants, members of the staff, members of the Bar and Judges. The present High Court building lacks elementary facilities for the benefit of the litigants and also for the members of the Bar. The sanctioned strength of the Judges has increased. However, it is of no use if additional space is not available.

7. When the State Government has in principle agreed to allot sufficiently bigger land vesting in it, we fail to understand as to how a prayer for acquiring the buildings of HSBC, Bank of India and Standard Chartered Bank by taking a recourse to the law of compulsory acquisition can be in public interest. As stated earlier, even two leading Bar Associations who represent the majority of the members of the Bar practising in this Court in principle have agreed that there is a need of shifting the High Court in a bigger and more convenient premises. The present High Court building is already 138 years old which was constructed when there were 6 to 7 Judges.

8. Therefore, we find that the prayers made in this PIL are not in the public interest. Therefore, we decline to entertain this PIL and the same is accordingly dismissed.

(A.A. SAYED, J)

(A.S. OKA, J)