

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO. 11 OF 2015

Subhash S. Sawant and Another. .. Petitioners
Vs
Union of India and Others. .. Respondents

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Shri Bhavesh Parmar i/b Shukla Devmani Jagdish and Shri Vijayprakash
Yadav for the Petitioners.

Shri Rui Rodriques along with Shri P.S. Gujar for the Respondent No.1.
Ms. Sapna Rachure i/b M/s. T.N. Tripathi & Co for the Respondent
No.5.

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CORAM : A.S. OKA & P. D. NAIK, JJ
DATED : 22ND MARCH 2016

PC.

1. Heard learned counsel appearing for the Petitioners. Apart from the issue of locus of the first Petitioner to maintain the Public Interest Litigation, we find that the first Petitioner is seeking a writ in the nature of mandamus. There is no averment in the Petition that the Petitioners before filing this Petition have approached the concerned authorities with a representation and that notwithstanding the representation, justice has been denied to the first Petitioner.

2. The learned counsel appearing for the Petitioners submits that this a Public Interest Litigation. A Public Interest Litigation is also a Writ Petition under Article 226 of the Constitution of India. Only the rules of locus standi are different in case of a Public Interest Litigation.

3. In view of the law consistently laid down by the Apex Court and in particular a decision in the case of *Saraswati Industrial Syndicate Limited and Others v. Union of India*¹, we decline to entertain this Public Interest Litigation.

4. Accordingly, this PIL is disposed of.

5. We direct the first to fourth Respondents to treat this PIL as a representation made by the second Petitioner and take a decision thereon in accordance with law. The decision taken on the said representation by the said Respondents shall be communicated to the Petitioners within a period of three months from today.

(P. D. NAIK, J)

(A.S. OKA, J)

¹ (1974)2 SCC 630