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

PUBLIC INTEREST LITIGATION (L) No. 149 OF 2015

Rajesh Sosa

...Petitioner

Vs.

State of Maharashtra and Ors.

...Respondents

None for the Petitioner

Mr. Amar Mishra -AGP for Respondent Nos.1,4 and 5

Ms. Yamuna Parekh for BMC

***CORAM : V. M. KANADE &
SMT. SWAPNA S. JOSHI, JJ***

DATE : SEPTEMBER 8, 2016

P.C. :

1. None appears on behalf of the Petitioner.
2. Heard the learned counsel appearing on behalf of the Respondent Nos.1,4 and 5 and the learned counsel for the BMC.
3. The Petitioner is seeking an appropriate writ, order and direction, directing the Respondents to cancel the work order datd23.1.205 issued by Respondent No.7 in favour of the Respondent No.8. By the said work order, Respondent No.8 has been asked to construct foot over bridge. It is not in dispute that the tender notice was issued on 18.7.2014 and pursuant to the said notice in all seven tenders

were received by the MCGM. Thereafter, the work order was issued in favour of Respondent No.8 on various conditions enumerated in the work order. The grievance of the Petitioner is that the work order was issued without considering the suggestions and complaints from the public at large.

4. In our view, firstly, there is no public interest involved in this PIL. Secondly, no grievance is made regarding tender process which has been duly followed by the Respondent No.7 before issuing work order in favour of Respondent No.8. Thirdly, the construction of the foot over bridge is in the interest of public at large. Fourthly, the Petitioner has made bald averments in the PIL that the construction has commenced without any survey and/or opinion.

5. The Deputy Superintendent of Gardens (Z-VII) has filed an affidavit in reply. We are of the view that there is no public interest involved in this PIL. Respondent No.7 has issued a work order in favour of Respondent No.8 after following the procedure established under the law. We are, therefore, not inclined to entertain this PIL. Hence, PIL is dismissed.

SWAPNA S. JOSHI, J.

V.M. KANADE, J.