

IN THE HIGH COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH : NAGPUR

**C.A.O. NO 1677/16 IN PUBLIC INTEREST LITIGATION NO. 102 OF 2015.**  
**(Shri Anand Narayanrao Jammu .vs. The Maharashtra Industrial Development Corporation & others)**

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Office Notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's orders

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Mr. S.S. Sanyal, Advocate for petitioner,  
Mr. M.M. Agnihotri, Advocate for respondent nos. 1 to 3,  
Mr. U.P. Dable, Advocate for respondent no.4,  
Mr. A.M. Balpande, A.G.P. for respondent no. 5.

**CORAM : B.R. GAVAI & V.M. DESHPANDE, JJ.**

**DATED : OCTOBER 13, 2016.**

The petitioner has approached this Court since according to the petitioner, the water supply to the residents in the area has been stopped from 28.8.2016.

Mr. U.P. Dable, learned Counsel for respondent no.4, submits that a meeting was conducted by the Hon'ble Minister of State for Industries wherein an amount of Rs.11,39,742/- has been reduced to Rs.2,81,197/-. He submits that, however, the liability to pay the said amount is on the residents of the locality.

Mr. M.M. Agnihotri, learned Counsel for respondent nos. 1 to 3/MIDC, states that as an interim measure on account of receipt of some amount, the water supply has already been restored from 22.9.2016.

In that view of the matter, we find that the grievance as raised in the application does not survive. Needless to state that residents of the area would pay their respective dues so that the

situation as has arisen does not recur.

The Civil Application stands disposed of with the aforesaid orders.

**PUBLIC INTEREST LITIGATION NO. 102 OF 2015 :**

The petition has been filed by the petitioner espousing the cause of the residents of the area.

Mr. S.S. Sanyal, learned Counsel for the petitioner, submits that the petitioner since beginning has been espousing the cause of the persons who are residing in Phase-II of the colony constructed by respondent no.4. The learned Counsel submits that the petitioner has candidly disclosed in the petition that he has no personal interest in the petition and he is espousing the cause of the residents of the locality.

The law is no more *res integra*. No doubt that the Constitution Bench of the Apex Court in the case of **S.P. Gupta, V.M. Tarkunde, J.L. Kalra and others .vs. President of India and others, etc. reported in AIR 1982 SC 149** has watered down the law with regard to the *locus standi*. However, it will be appropriate to refer to the following observations made by Their Lordships :-

“Where a legal wrong or a legal injury is caused to a person or to a determinate class of persons by reason of violation of any constitutional or legal right or any burden is imposed in contravention of any constitutional or legal provision or without authority of law or any such legal wrong or legal injury or illegal burden is threatened and **such person or determinate class of persons is by reason of**

**poverty, helplessness or disability or socially or economically disadvantaged position**, unable to approach the court for relief, any member of the public can maintain an application for an appropriate direction, order or writ in the High Court under Art. 226 and in case of breach of any fundamental right of such person or determinate class of persons, in the Supreme Court under Art. 32 seeking judicial redress for the legal wrong or injury caused to such person or determinate class of persons. 1978 AC 482, Distinguished.” (emphasis supplied)

It could thus be seen that a P.I.L. at the behest of a third person could be entertained by this Court only if the persons whose grievance is sought to be espoused on account of the poverty, helplessness, disability or socially or economically disadvantageous position are unable to approach the Court themselves. It cannot be said that the 250 persons whose cause is sought to be espoused by the petitioner would fall in all these categories. The residents of the locality if they have any grievance against either the respondent no.4 or any of the State instrumentalities can very well approach this Court either by way of P.I.L. or through a regular Writ Petition.

In that view of the matter, we are not inclined to entertain the present petition at the behest of the present petitioner. The same is, therefore, rejected on the ground of locus.

**Judge**

**Judge**

J.