

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 73 OF 2016

Chandrakant Gulab Sasane. ... Petitioner.
V/s.
The State of Maharashtra and others. ... Respondents.

U.G.Dindore with Pratap Kakade for the petitioner.
Mrs.M.P.Thakur, AGP for the State.
Rakesh Singh with Pushkal Mishra i/b. M/s.M.V.Kini & Co.
for respondent Nos.4, 5 and 6.
R.B.Raghuvanshi with Ratnesh Dube i/b. Ms.Rutuja Ambekar
for respondent No.8.

**CORAM : DR.MANJULA CHELLUR, C.J.
AND G.S.KULKARNI , J.**

DATE : 24th February 2017.

P.C. :

Affidavit of respondent No.8 is placed on record.

2. The petitioner is before this Court contending that several acts of respondent No.8 in running the resort is causing nuisance to the villagers which deprives them of livelihood and peaceful living. According to him, by conducting rave parties, there is moral turpitude in the surrounding of the village. Apart from

that, loud music disturbs the peaceful living of the residents of the village. He also contends that with 27 air-conditioners the required electricity though compensated by taking electricity charges by the Electricity Department, the impact is on the proper functioning of the pump sets installed by the villagers in their lands.

3. According to the petitioner, in spite of several requests, the Sub-Divisional Officer as well as the Collector concerned have not paid any attention to this problem, therefore, the petitioner is before this Court.

4. What we note from the reply filed by respondent No.8 is that not once but in several litigations including earlier PIL, the petitioner is before this Court. As a matter of fact, on 8th August 2016, PIL (St.) No.32152/2015 came to be disposed of followed by another order dated 30th September 2016 wherein there was a direction to the petitioner to approach appropriate forum where all the grievances could be attended in trial. According to the petitioner, the cause of action was different. Even if the cause of action was different, the nuisance or the grievances referred to above are only in the nature of averments. Without establishing actual commission of these alleged acts of respondent No.8, there cannot be a positive direction by this Court. This Court cannot entertain this petition to take the matter to a logical end to put the petitioner on

trial and conclude that there is justification in his statement. We can only direct the concerned authorities to look into the matter.

5. We, therefore, direct the concerned District Collector and the Superintendent of Police to treat this petition as representation of the villagers and do the needful by visiting the site and hear the villagers without being influenced by any of the earlier observations made by this Court. It is needless to state that before the above authorities initiate any action, they shall also hear respondent No.8. The entire exercise has to be completed within two months from today.

6. With the aforesaid observations and direction, this petition is disposed of.

(G.S.KULKARNI, J.)

CHIEF JUSTICE