

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION STAMP NO.19 OF 2016

Mr. Jamunarai Ramkhilawan Thakur

..Petitioner

Versus

State of Maharashtra and others

..Respondents

Shri. Ramchandra N. Kachave for the Petitioner.

Mrs. P. P. Shinde, APP for the Respondent No.1 – State.

Shri. R. A. Thorat, Senior Advocate a/w Mrs. Surekha Sonawane for the Respondent Nos.2 and 3.

**CORAM : R. M. SAVANT &
SMT. SADHANA S. JADHAV, JJ
DATE : 21st JUNE, 2017**

PC.

1 By the above PIL, the Petitioner seeks action to be taken against the structures allegedly constructed unauthorizedly by the Respondent No.4. It is the case of the Petitioner that in spite of making numerous representations to the Police as well as the Ward Officer of the Municipal Corporation of Greater Mumbai, no action is taken by the authorities. In the context of the above PIL, it would be relevant to note what has been stated in one of the representations made to the Senior Inspector of Police, Andheri Police Station, Mumbai and the Ward Officer, K/E Ward, Azad Road, Andheri (E), Mumbai vide letter dated

28.01.2016. In the said letter, in the first paragraph, the Petitioner has stated that he is the owner in respect of 3 room premises and constructed Hanuman Mandir in 5,500 sq.ft. In the second paragraph, it has been mentioned that the Respondent No.4 Mohammed Arif has constructed illegal construction Ground + Upper floor premises “in my said property”. In paragraph three, it has been stated that the said Mohammed Arif has the support of anti-social persons, gundas and criminal persons. In paragraph four, reference seems to be made to the Respondent No.4 Mohammed Arif that he has stolen the documents of the Petitioner and he has prepared forged documents.

2 The Petitioner has not annexed any documents of title in respect of the land in respect of which he claims ownership i.e. 5,500 sq.ft. as mentioned in paragraph 1. There are no documents to show that the Petitioner has constructed 3 room premises and Hanuman Mandir after obtaining the permission of the Planning Authority i.e. the Municipal Corporation of Greater Mumbai. In the context of the aforesaid facts, we do not find any public interest which is sought to be espoused by the Petitioner. We therefore do not deem it appropriate to entertain the above Criminal PIL. We accordingly dismiss the same.

3 However, the Petitioner would be at liberty to file

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proceedings to assert his rights if any in respect of the property. If any such proceedings are filed, needless to state that the same would be tried on their own merits and in accordance with law.

[SMT. SADHANA S. JADHAV, J]

[R.M.SAVANT, J]