

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
PUBLIC INTEREST LITIGATION NO. 100 OF 2017**

|                              |    |             |
|------------------------------|----|-------------|
| Vijay Kisan Shinde           | .. | Petitioner  |
| versus                       |    |             |
| The Commissioner, Thane      |    |             |
| Municipal Corporation & Ors. | .. | Respondents |

Mr. Sandeep Salunkhe for Petitioner.  
Mr. Chetan Kapadia with Mr. Nikhil Ranadive for Respondent Nos. 4 & 5.  
Mrs. M. P. Thakur – AGP for State.

**CORAM: DR. MANJULA CHELLUR, CJ. &  
M.S. SONAK, J.**

**DATE : 16 NOVEMBER 2017**

**P.C.:**

- 1] Heard learned counsel for the parties.
- 2] The petitioner, by this litigation which is purported to be styled as a public interest litigation seeks the following reliefs :
  - (a) To take action against illegal constructions alleged to have been undertaken by the respondent no. 4;
  - (b) Appoint an inquiry committee for investigation into the alleged illegal constructions and fraud committed by the respondent no. 4;
  - (c) to take steps for recovery of penalty and regularization charges from the respondent no. 4;

3] In the petition, several interim reliefs have also been applied for i.e. one of them being to restrain the respondent no. 4 from handing over possession of certain apartments or space to any third parties.

4] In the petition, the petitioner has stated that he is a public spirited person and a social worker committed to fight for the betterment of the society.

5] Upon a query from the court however, the learned counsel for the petitioner admitted that the petitioner is a real estate agent. This fact was never disclosed in the petition. Upon a further query as to the kind of social work allegedly undertaken by the petitioner, the reply was quite vague. It was submitted that affidavit will be filed to explain this position. However, such position, should have been explained in the first instance.

6] The petitioner has no history of any social work or public spirit. The petitioner has instituted a petition against a particular developer, when admittedly, there are several developments taking place in Thane Municipal limits. In such a situation, the petitioner does not inspire any confidence and therefore we do not deem it safe or appropriate to entertain the present public interest litigation at his behest. The pleadings are mostly vague and directions are applied to investigate in the matter.

7] In respect of relief of seeking recovery of penalty and regularization, there is some material placed on record. If the proceedings for levy of penalty and regularization charges have not yet been taken to its logical conclusion, then, we direct the Municipal Corporation to do so by adhering to the procedure prescribed under the law. The exercise may be completed within a reasonable period of not more than three months from today.

8] With the aforesaid direction, the petition is disposed of. There shall be no order as to costs.

(M. S. SONAK, J.)

CHIEF JUSTICE

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