IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.163 OF 2014

Mr. Ashok Narayan Lande.] … Petitioner

Versus

The State of Maharashtra & Ors.] … Respondents

Mr. Siddhesh Pilankar i/b Mr. Uday P. Warunjikar for Petitioner.
Mrs. M. P. Thakur, AGP for State.
Mr. Nitin Deshpande for Respondent Nos.4 & 5.
Ms. Rekha Panchal for Respondent No.6.
Mr. Shardul Singh i/b Sadhana Tiwari for Respondent Nos.7 & 8.
Mr. Rahul Garg & Mr. Sameer Khole i/b M/s. MGK Legal for Respondent No.9.

CORAM :- DR. MANJULA CHELLUR, C.J., &
G. S. KULKARNI, J.
DATE :- JANUARY 06, 2017

P. C. :-

1. The petitioner is before this Court complaining inaction of respondent no.9 so far as illegal and unauthorized construction carried out by respondent nos.7 and 8 at Village - Indori, Taluka - Maval, District - Pune, by party respondent nos.1 to 5. According to the petitioner, the permissions required for putting up the construction, including clearance certificate from Pollution Control Board and various authorities, are not obtained by the party

respondents. Therefore, they approached the concerned authorities with various representations which were not taken care of by the authorities. Hence, they are before this Court. The proposed construction is no doubt an educational institution but the subject is Maritime. According to them, it requires clearances from Pollution Control Board and there has to be proper waste disposal unit in the premises concerned, since the practical courses may also lead to certain environmental pollution. According to them, the land in question where the institution is coming up, falls within the benefit zone for those persons coming under the Maharashtra Project Affected Persons Rehabilitation Act, 1986.

2. Respondent no.9 has filed affidavit-in-reply and also has submitted that in response to the grievances raised in the PIL, already show cause notices were issued to respondent nos.7 and 8 and if a reasonable time is granted, proceedings will be taken to a logical end.

3. The learned Counsel for respondent nos.7 and 8 submits that they have not received the so called 'show cause notices' said to have been issued by respondent no.9 and once they receive the show cause notice, they must be given an opportunity to put forth their defence.

4. In the light of the above factual situation, we are of the opinion that the outcome of the inquiry or the proceedings already initiated by respondent no.9 cannot form the subject-matter for a

decision in the PIL since it will be a different cause of action. The inaction on the part of the authorities, the grievances expressed in the present petition since respondent no.9 is the concerned authority who has initiated action and further undertaken to take the case to its logical conclusion, we are of the opinion that there is no need to keep the petition pending.

5. Accordingly, the PIL is disposed of by directing respondent no.9 to complete the proceedings initiated, complying not only with the procedure contemplated but also the principles of natural justice. The entire exercise shall be done within two months from today. It is needless to say that respondent nos.7 and 8 are entitled to take benefit of the provisions of the laws applicable, if any.

(G. S. KULKARNI, J.) **(CHIEF JUSTICE)**