

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9110 OF 2016

Vaibhav S. Raut .. Petitioner
Versus
State of Maharashtra & Ors. .. Respondents

Mr. K.I.Khandelwal i/b. Khandelwal Associates for petitioner
Mr. B.V.Samant, AGP for respondent No.1
Ms. Swati Sagvekar for respondent No.2
Mr. A.R.Gole for respondent No.3.

CORAM : B.R.GAVAI &
M.S.KARNIK, JJ.

DATE : 25th September 2017.

P.C.

1] The petitioner has approached this Court praying for a direction to respondent No.2, Commissioner of Vasai Virar Municipal Corporation to take immediate steps / action on notice dated 31st March 2016 for demolition of the construction carried out by the respondent No.3.

2] A perusal of the averments made in the petition would itself reveal that the petitioner claims to be a social worker and involved in

various social activities. The petitioner claims that the petitioner is also concerned with the residents of local areas who cannot approach this Court for redressal of their grievance of illegal constructions of buildings. It could thus be clearly seen that the petitioner has no locus in the present proceedings. No doubt that in view of the judgement of the Apex Court in the case of S.P.Gupta Vs. President of India & Ors., reported in **A.I.R. 1982 S.C. 149** the issue of locus would be diluted and if the persons on account of various reasons like social and economic backwardness, are not in a position to approach this Court, then, petition at their behest by someone else would be tenable. However, that can be done in a public interest litigation and not in the ordinary petition. We, therefore, are not inclined to entertain the present petition at the behest of the petitioner and the same is rejected.

(M.S.KARNIK, J)

(B.R.GAVAI, J.)