

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 83 OF 2017

Anand Prakash Paranjpe	..	Petitioner
versus		
State of Maharashtra & Ors.	..	Respondents

Ms Geetanjali Koli i/b. Mr. Ajit Savagave for Petitioner.
Mr. V. N. Sagare – AGP for State.
Mr. Shekhar Jagtap i/b. M/s. J. Shekhar & Co. for Respondent No. 2.

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

DATE : 09 NOVEMBER 2017

P.C.:

1] The challenge by way of this purported public interest litigation is to the resolution of the Thane Municipal Corporation dated 20th May 2017 under section 35A of the Maharashtra Municipal Corporation Act, 1949 to establish 20 MLD Capacity Desalination Plant at the banks of Thane Creek. The petition states that such a plant is not necessary because sufficient quantity of water is available to take care of needs of the residents of Thane at least till the year 2025.

2] In the first place, the petitioner, has the remedies available under the Maharashtra Municipal Corporation Act to challenge the resolutions passed by the Corporation, in case the petitioner is genuinely aggrieved by a resolution of this nature. Secondly, we fail to understand the basis on which the petitioner can make a statement that there is already sufficient quantity of water available to the residents of Thane and that such quantity will last at least upto the year 2025.

3] In this regard, we may refer to our earlier order dated 11th October 2017 in public interest litigation no. 36 of 2016 and other connected matters, which, concern the grievance of deficit of water supply to the areas of Ghodbunder Road in Thane District and Balewadi in Pune District. On appreciating the position of deficit of water supply, we issued certain directions. Now that, the Corporation, is taking some measures to set up a Desalination Plant which will ultimately provide water to the residents within the Thane Municipal Corporation area, we do not see, how any public interest will be served in preventing the Corporation from setting up such a plant.

4] Accordingly, we are not inclined to entertain the present public interest litigation. The same is therefore dismissed.

(M. S. SONAK, J.)

CHIEF JUSTICE