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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION No. 149 of 2005

Shri Vasant Ganu Patil ..Petitioner.
Vs
The Chairman & Trustees
the Vajreshwari Yoginidevi
Public Trust & Ors ..Respondents.

Mr. M.D. Parab for the Petitioner.
Ms. Sapna Rachure i/by T.N. Tripathi & Co. for Respondent No.4.
Mr. V.B.Thadani, A.G.P. for Respondent No. 5 to 8 and 10.

CORAM : V.M. KANADE, AND C.V.BHADANG,JJ.

DATED : 4th APRIL, 2017.

P.C.

We have heard the learned counsel for the petitioner and the respondents by this petition filed under Article 226 of the Constitution of India. The petitioner is seeking the following reliefs:

- a) Issue a writ of mandamus or any other writ, order, direction in the nature of writ of mandamus directing the respondent no. 5 to 10 to forthwith take steps for restoration of the lands bearing S.No.15A admeasuring 22A 21G and S.No.22 admeasuring 28A, 33G situated at village Phene, Taluka Bhiwandi, District Thane to the Vajreshwari Yoginidevi Public Trust, Vajreshwari, Taluka Bhiwandi, District Thane and further direct detailed enquiry in the matter of affairs of the said public particularly disposal of the properties including the suit properties and take appropriate action

against those responsible for enquiry mismanagement of the trust property;

- b. That this Hon'ble Court may please to issue a writ of certiorari or any other writ, order, direction in the nature of writ of certiorari calling for the records in the matter of N.A.permission granted in respect of the lands bearing S.No.15A and 22 of village Phene, taluka Bhiwandi, District Thane and after scrutiny and perusal as to propriety legality, validity and correctness N.A.permissions dated 16.8.1972 and dated 26.5.1975 issued by the Collector of there is respect of the said lands be quashed and set aside;
- c. That this Hon'ble Court may please to issue a writ of certiorari or any other writ order direction in the nature of writ of certiorari calling for records from the office of Charity Commissioner Bombay in the matter of sale permission granted in respect of the land bearing s.no.15A and 22 situated at village Phene, taluka Bhiwandi, District Thane and after scrutiny and perusal as to propriety, legality, validity and correctness of the order dated 25/9/1972 granting sale permission may kindly be quashed and set aside;
- d. That this Hon'ble Court may please to direct the Chief Executive Officer, Bhiwandi Nizampur Municipal Corporation, Bhiwandi to forthwith withdraw the permission granted for development/construction in the land bearing S.No.15a and 22 situated at Village Phene Tal. Bhiwandi, District Thane and further take all necessary steps for stopping any construction and development work in the said lands by M/s K.L. Vadi & Co. Pvt. Ltd. i.e. respondent No.3 and/or M/s. Kabra Builders and Developers Pvt Ltd., i.e. Respondent No.4 or by any other

persons; and

- e. That this Hon'ble Court may please to issue a writ of certiorari or any other writ order direction in the nature of writ of certiorari calling for records from the Revenue & Forest Department, Govt. of Maharashtra, Mantralaya, Bombay in the matter of Revenue Application No. Land 2702/ 94/J-4 and after scrutiny and perusal as to propriety legality, validity and correctness to judgment and order dated 21.3.2003 passed by the Hon'be Minister therein may kindly be quashed and set aside;

In our view, the petitioner has an alternate remedy of filing a suit and/or taking out an appropriate proceedings. We are not inclined to entertain this petition. The public interest litigation is disposed of. No costs.

(C.V. BHADANG,J)

(V.M. KANADE,J)