

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION ST NO.29633 OF 2017

Ranjit Raghunath Magadum .. Petitioner
Versus
The State of Maharashtra through
Principal Secretary and ors .. Respondents

...

Mr. Yuvraj Gharat for the petitioner.
Mr.P.G. Sawant AGP for the State.

CORAM: DR. MANJULA CHELLUR, CJ. &
M.S.SONAK, J.
DATED: 10th NOVEMBER, 2017

P.C.:-

1 Heard learned counsel for the petitioner.

2 According to the petitioner, the lands said to have been acquired for Dudhganga Project were not distributed to the real and genuine affected persons, but persons who are not at all entitled for such allotment got the allotment of land. Therefore, the lands must be given back to the original owner. The second alternate prayer which is not sought in the petition is that he must be allowed to approach the authorities and bring to their notice the alleged contentions.

Tilak

3 Apparently, the petitioner seems to be from the same village where the land is said to be situated. During the course of submissions, learned counsel submits that the petitioner had approached the owner, and the owner has permitted him to file the Public Interest Litigation. If it is just one incident, it cannot be a Public Interest Litigation. Even otherwise, the owner who is interested in the matter should come before the Court. Even if it were to be more than one person who are placed in the same situation or from the same village, they must file in their individual capacity petitions bringing to the notice of the Court how their lands are acquired and allotted to wrong persons. Even if the allotment to the wrong persons is cancelled if the allegations are found to be true, the land cannot go back to the original owner since the law is well settled on the said issue right from the case of **State of Kerala & Ors Vs. M.Bhaskaran Pillai & Anr**¹ and **Mahadeo Vs. State of U.P**²

1 (1997) 5 SCC 432

2 (2013) 4 SCC 524

4 The entire petition do not contain the details which are argued before the Court regarding the fraudulent allotment of land. We fail to understand how the present PIL could be entertained in the absence of the persons who are directly connected are being made parties. We are also of the opinion that the land owners who have a say in the matter or any project affected person from Dudhganga project, if not yet allotted any alternate land only can have any cause of action to approach the Court bringing to the notice of the Court the alleged illegalities said to have been committed.

5 Petition cannot be entertained in the present form.

6 At this stage, petitioner's counsel came forward to withdraw the petition, and accordingly permitted to withdraw the PIL.

(M.S.SONAK, J)

(CHIEF JUSTICE)