

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 86 OF 2017

The Thane District Co-op. Housing Federation Ltd. .. Petitioner
V/s
Thane Municipal Corporation & Ors. .. Respondents

Mr. Sagar Joshi for the petitioner.

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

DATE : 2nd NOVEMBER 2017

P.C.:

The petitioner is before this Court as *pro bono publico* claiming to be The Thane District Co-operative Housing Federation Ltd., address at Opp. Thane District Central Co-operative Bank.

2. According to the petitioner, the petitioner – Federation consists of several housing societies in Thane District. According to them, the respondent – Municipal Corporation, which is also a Planning Authority under the provisions of the Maharashtra Regional and Town Planning Act, 1966, in terms of its obligation passed a resolution on 17th June 2015 opining that fixation of water charges would be on the basis of measurement of the area of the flat. According to the petitioner, in spite of such resolution, the same was not implemented till 2015. According to them, such implementation

is on account of pressure from certain political parties. If the resolution of 2015, which came to be implemented in 2016, was not to the benefit of the petitioner Federation, we fail to understand why they did not approach the Court of law or other statutory forum immediately after passing of the resolution.

3. Be that as it may, the fact remains that the petitioner Federation is not consisting of members or the Federation is not representing ignorant or innocent people who are not aware of the legal issue or their right. They are all housing societies headed by certain president and secretary who are well aware of what is happening either with regard to building bye-laws or allied services to the flat etc. If any of the societies is not satisfied with the implementation of the resolution, as stated above, they should approach the statutory Authority under the Act, challenging the implementation after receiving the water bill in November 2017. We fail to understand how a public interest litigation could be entertained so far as the issue is concerned. We are of the opinion that merely because it is a group of housing societies, the petitioner cannot become a *pro bono publico* since each of the housing societies has personal interest in the matter concerned. Anyone aggrieved by the implementation of the resolution, either society or the flat owner, they are entitled to challenge the same in their individual right and not in a public interest litigation.

4. With these observations, we dispose of the PIL without expressing any opinion on the merits of the issue raised.

(M.S. SONAK, J.)

CHIEF JUSTICE