

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 8 OF 2017

Ashutosh Rameshchandra Tiwari ..Petitioner

v/s.

The State of Maharashtra & Ors. ..Respondents

Mr. Ashok M. Saraogi for the Petitioner.

Mr. V.P.Malvankar, AGP 'A' Panel for the Respondent-State.

**CORAM : A.S.OKA & ANUJA PRABHUDESSAI, JJ.
DATED : 18TH JANUARY, 2017**

P.C.

1. Not on Board. On production, taken on board.
2. As per the Administrative Order dated 19th December, 2012 this Public Interest Litigation has been specially assigned to the Division Bench of which one of us (A.S.Oka, J.) is a member. The petitioner who claims to be a member of Vishwa Hindu Parishad and a social worker has filed this Public Interest Litigation having only one substantive prayer which reads thus:

“ That this Honourable Court be pleased to pass

appropriate writ, order and direction directing the Respondents to issue necessary directions to all the Municipal Corporation, Nagar Parishad, Collectors etc., to implement the order passed by this Honourable Court dt. 1.10.2016 in PIL No. 104 of 2010 and also the order passed by the Honourable Apex Court in SLP No. 8519 of 2006 after following the process of law and after holding necessary inquiry in respect of each and every religious place on case to case basis i.e. after giving opportunity to the concerned religious place to produce necessary documents or by giving personal hearing on such terms as this Honourable Court may deem fit and proper.”

3. By judgment and order dated 1st October, 2016 in Public Interest Litigation No.104 of 2010, this Court directed the State Government to take action of demolition of illegal places/structures of religion in the State. This Court heavily relied on the orders passed by the Apex Court from time to time. In fact, this Court has passed directions for implementation of the orders of the Apex Court.

4. We have perused the averments made in the petition. Firstly, we may note here that not a single instance of demolition of a place of religion allegedly in breach of the directions of this Court with

material particulars has been pleaded.

5. If any place of religion is demolished or is being demolished in breach of directions issued by this Court under the Judgment and Order dated 1st October, 2016, the concerned affected persons can always take recourse of remedies available in law by contending that the structures are sought to be demolished or are demolished without following due process of law and without following directions issued by this Court.

6. At the instance of the petitioner, such a Public Interest Litigation containing vague and general prayer cannot be entertained.

7. We, therefore, decline to entertain this Public Interest Litigation and the same is rejected.

(ANUJA PRABHUDESSAI, J.)

(A.S.OKA, J.)