

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

PUBLIC INTEREST LITIGATION NO. 46 OF 2016

Mallayya R. Chhanam.

... Petitioner.

V/s.

The Union of India & Others.

... Respondents.

Mr. Mallayya Chhanam, Petitioner-in-person.

Mr. Prashant Jadhav for Respondent Nos. 1 to 3.

Ms. Shilpa Kapil for Respondent 2.

Mr. Farid Karachiwala a/w. Ms. Sneh Mehta & Ms. Sneh Nainan and
Mr. Mahek Chheda i/b. M/s. Wadia Ghandy & Co. for Respondent
4.

***CORAM : DR. MANJULA CHELLUR, C.J. &
N.M. JAMDAR, J.***

DATE : JULY 06, 2017.

P.C. :-

The Petitioner in this case apparently was working in the Civil Aviation Department as one of the Committee Members, which sanctioned construction work of floors/storeys of the building which falls within the Air Port Authority area. After his retirement, as he has a degree in law, he is also a practicing Advocate. In this Public Interest Litigation, the Petitioner contends that the

Respondent – Authority must sanction the height of the premises as required by the builders of each project since such height was sanctioned to other buildings as well. Therefore, according to him, the concerned committee has to approve or sanction the scheme whenever it is placed, if it falls within the parameters of the bye-laws and rules.

2. However, there is another Public Interest Litigation No. 86 of 2014 where the complaint is that on account of height of the building, there is no safety for landing of the flights as well as taking off and this could lead to dangerous results. This Public Interest Litigation is quite contrary to the relief sought in Public Interest Litigation No. 86 of 2014. As a matter of fact, the Petitioner may assist some of the Respondents in the other Public Interest Litigation. If his contentions were to be correct and legal there is no need to try this Public Interest Litigation as a separate Public Interest Litigation since earlier Public Interest Litigation No. 86 of 2014 is already numbered and considerable progress is made in the case. Therefore, Public Interest Litigation No. 46 of 2016 is disposed of, reserving the liberty to the Petitioner to intervene in Public Interest Litigation No. 86 of 2014.

(N.M. JAMDAR, J.)

(CHIEF JUSTICE)