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

REVIEW PETITION (PIL) No. 4 OF 2016
IN
PUBLIC INTEREST LITIGATION (L) No. 100 OF 2015

Hemant Bhikubhai Dalal ...Intervenor/Review
Petitioner

In the matter between

Mr. Sanjay Krishna Chavan ...Petitioner
Vs.

M.M. Corporation and Ors. ...Respondents

Mr. B.K. Barve a/w. Santosh Wagh i/b. B.K. Barve & Co. for Petitioner
Mr. Mubin Solkar a/w. Z.A. Jariwala i/b. Thakore, Jariwala &
Associates for Respondent No.1
Ms. Trupti Puranik for Respondent Nos.2 and 3
Ms. Kavita Salunke -AGP for Respondent No.4 State.

**CORAM : V.M. KANADE &
P.R. BORA, JJ**

DATE : FEBRUARY 28, 2017

P.C. :

1. Heard Shri Barve, the learned counsel appearing on behalf of
the Intervenor and the learned counsel for the Respondents.

2. Shri Barve appearing on behalf of the Intervenor submits that
the Intervenor is not a party to the proceedings in PIL (L) No. 100 of
2015 and in respect of that in paragraph 31 of the order dated

(RPP 4 of 2016)

25.10.2016, an observation is made by this Court that the Petitioner in this case, who is a rikshaw driver has been put up by Hemant Dalal and others. It is submitted that the Respondents are taking advantage of this observation and have filed several complaints against him.

3. We have perused the said order and more particularly paragraph 31 thereof. The respondents herein have contended that the PIL has been filed at the instance of the third party viz. the Petitioner herein. After having noticed various facts and circumstances of the case, we have made the following observation:

“ We are satisfied that the Petitioner has obviously been put up by some one and it is possible that the Petitioner who is a rickshaw driver has been put up by Hemant Dalal, Ashok Deshmukh, Ashwin Herani and Ms. Heena Shroff.”

In our view, we have not come to any conclusive finding that the Petitioner in the petition is a person who has put up the PIL and no definite finding has been made and expressed the only possibility that the Petitioner who is a rickshaw driver has been put up by these persons viz. Hemant Dalal, Ashok Deshmukh, Ashwin Herani and Ms. Heena Shroff and, therefore, the question of giving hearing to the present Petitioner does not arise.

4. We are, therefore, inclined to review the said order since no prejudice will be caused to the review petitioner and we have merely expressed the possibility and have not given any conclusive finding. Hence, review petition is disposed of.

[P.R. BORA, J.]

[V.M. KANADE, J.]