

(WP 1883 of 2016)

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

WRIT PETITION No. 1883 OF 2016

Santosh Ramprasad Pandey	...Petitioner
Vs.	
High Power Committee and	
Ors.	...Respondents

WITH
CHAMBER SUMMONS (L) No. 45 OF 2016
IN
WRIT PETITION No. 1883 OF 2016

M/s. Mighty Engineers, Developers & Contractors	...Applicant (Intervenor)
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In the matter between

Santosh Ramprasad Pandey	...Petitioner
Vs.	
High Power Committee and	
Ors.	...Respondents

Mr. Uday Warunjikar a/w. Mr. S.S. Redekar for the Petitioner
Mr. Girish Utangale a/w. Mr. Chetan Mhatre a/w. Soyash Gadre a/w.
M/s. Utangale & Co. for Respondent Nos.1 and 2
Ms. Kavita N. Salunke -AGP for Respondent No.3
Mr. Abhijit Patil i/b. Ajay Patil for Intervenor in CHSL No. 45 of 2016

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

DATE : FEBRUARY 28, 2017

P.C. :

1. Heard the learned counsel appearing on behalf of the Petitioner. The Petitioners, who claims to be a RTI Activist, by this writ petition is challenging the clause 2.5 of the Procedure and Guidelines framed by the High Power Committee (HPC). The said guidelines read as under:

“No application / Appeal or prayer from the Political workers, Member of Legislative Assembly, Member of Parliament, Municipal Corporators or third party, shall be entertained by the High Power Committee, unless such person is a party, Respondent or Intervener in the proceedings.”

2. The High Power Committee was constituted by an order passed the Full Bench of this Court in the case of **Tulsiwadi Navnirman Co-op. Hsg. Soc. Ltd. Vs. State of Maharashtra [2008 (1) ALL MR 319]**.

3. In view of the said direction given by the Full Bench, the High Power Committee was constituted, which has framed the guidelines. Essentially the HPC is expected to decide the list of rival parties and it does not have an authority to permit a third party who has no locus in the dispute to intervene. The High Court can exercise its inherent powers while exercising writ jurisdiction under Article 226 of the

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Constitution of India. Hence, we do not see any illegality in the said guidelines framed by the High Power Committee. If the third party is permitted to intervene before the HPC, the flood gates would be opened and this will affect the early disposal of the applications, which are pending before the HPC. Moreover, that was not the intention of the Full Bench of this Court in constituting the HPC. Any person who feels that he has some information, can always approach this Court by way of PIL, if he is permitted to appear after the Scrutiny Committee appointed by this Court gives a green signal. Hence, the writ petition is disposed of.

[P.R. BORA, J.]

[V.M. KANADE, J.]