

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.**

**PUBLIC INTEREST LITIGATION NO. 115 OF 2018**

Ajay S/o Shantilal Lalwani

Petitioner...

**Versus**

The Union of India & Ors.

Respondents...

.....

Mr Arvind R. Kawade, Advocate for the petitioner

Mr C. S. Kulkarni, AGP for respondent/State

Mr B. B. Kulkarni, ASG for respondent No. 1

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**CORAM : PRASANNA B. VARALE &  
MANISH PITALE, JJ.**

**DATE : 27<sup>TH</sup> SEPTEMBER, 2018.**

**PER COURT:-**

1. Heard learned counsel for the petitioner. The petitioner claims to be a person engaged in the business and also a socially spirited person, who is espousing the cause of public in the present petition. The prayers made in the petition read thus:

- (A) To direct respondent nos. 1 and 2, to form and establish the independent ministry at Central Level & State level respectively, in respect of effective implementation of the Swachh Bharat Abhiyan i.e. National Cleanliness Campaign.

- (B) To direct respondent No. 1, Union of India, to legislate law on, prescribing duties and penalty, for the citizen of India to keep their surroundings and public premises and public offices clean and healthy.
- (C) To direct respondent No.1, to frame policy on, to dispose of the scrap material laying with the government departments and to dispose of old and unused government and private vehicles laying with the government departments.

2. Insofar as prayer clauses (A) & (B) are concerned, the learned counsel fairly submitted that, the petitioner does not press the same. The petitioner wants to press only prayer clause (C).

3. Learned counsel for the petitioner in support of his submissions invited our attention to certain material placed on record. Firstly, certain photographs are placed on record showing certain vehicles are kept in the Government premises for quite a long period. But, on perusal of the other documents placed on record, it reveals, that these vehicles are involved in certain criminal offences and it is informed to the petitioner that these cases are pending before the competent courts. In view of these facts, it will not be possible for us to issue direction for disposal of these vehicle when the vehicles are awaiting the final decision of the competent judicial

forum. Then the other submission of the learned counsel for the petitioner is that, the directions be issued to declare these vehicles as scrap vehicles and the government department to dispose these scrap vehicles lying in the premises of the government. Now, even to consider this submission, it will have to be presumed that these vehicles are neither roadworthy nor in pliable condition. Now, to arrive at this conclusion, certainly this court does not have expertise so as to assess, scrutinize and verify the condition of these vehicles. This court is not inclined to issue a blanket direction under the presumption that these all vehicles are scrap material and are not roadworthy or pliable on road. In a PIL, we cannot extend the scope of a PIL by issuing such directions as are requested and prayed for by the petitioner.

4. Considering these factual aspects, we are of the clear opinion that the petition cannot be entertained by this court though the petitioner may have a laudable object to approach this court, but considering the above factual aspects, we are unable to entertain the petition. The Public Interest Litigation is dismissed.

**[ MANISH PITALE ]**  
**JUDGE**

**[ PRASANNA B. VARALE ]**  
**JUDGE**