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

PUBLIC INTEREST LITIGATION NO.103 OF 2018

Rajani w/o Raju Satyanarayan,
Age: 48 years, Occu: Social work,
R/o. Deep Nagar, behind Kaveri Hospital,
Bhingar, Ahmednagar, Tq. & Dist. Ahmednagar ..PETITIONER

VERSUS

1. Union of India,
Through its Principal Secretary,
Defence Ministry (Raksha Sampada)
Department, Government of India,
New Delhi
2. The State of Maharashtra,
Through its Principal Secretary,
P.W.D. Department,
Mantralaya, Mumbai-32
3. The President,
Aurangabad cantonment Board,
Aurangabad
4. The Chief Executive Officers
of Aurangabad Cantonment Board,
Aurangabad
5. Savera Promoters and Developers Pvt. Ltd.,
Through its proprietor Shri. Anil Makariya,
Age: 54 years, Occu: Business,
R/o. office, Anjali Complex, Khadakeshwar,
Aurangabad ..RESPONDENTS

Mr N. B. Narwade, Advocate for petitioner;
Mr A. B. Dhongade, Advocate for respondent Nos.1 & 4;
Mr S. Y. Mahajan, A.G.P. for respondent No.2

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

DATE : 28th August, 2018

ORAL ORDER:

Heard Mr Narwade, learned Counsel appearing on behalf of the petitioner.

2. The petitioner claims to be a social worker and working in the area of the human rights and occupies position as President of one organization, namely International Human Rights Association. It is stated in the opening paragraph of the petition itself that the petitioner is raising an issue of serious concern causing loss to the public at large regarding illegal collection of vehicle entry tax and over-charging the amount in violation of the agreement dated 7th February, 2018.

3. Our attention was invited to certain documents to submit that though the petitioner raised the grievance with the authorities, no action is initiated.

4. On the backdrop of the submissions of the learned Counsel, we have gone through the material placed on record. The representation to which our attention was invited is of 16th March, 2018 and it states that the petitioner found that there was some dispute between some truck drivers and the employees of the toll collection centre for over-charging the amount. Then there is another representation submitted by the petitioner in the capacity of Chairperson, International Human Rights Association of Maharashtra to the President of Aurangabad Cantonment Board, Aurangabad.

5. Our attention was also invited to the representation dated 16th July, 2018 made to the President of Aurangabad Cantonment Board. The said representation states that the petitioner received complaints from some private persons and some owners running the transport companies. A reference is made in paragraph 3 to the report lodged at the instance of one private person Shri Vinit Giridharilal Jaggi of Jaggi Goods Carriers and complaints made by him to the Chief Executive Officer. Then there is reference of a private person, namely, Sarbajit Singh Chug. Then there is reference of three transport companies, namely Sai Transport Company, P.K. Transport Company and Balaji Transport company. Then there is also reference to certain private persons who are more than three in number. On a specific query made to the learned Counsel for the petitioner, he submitted that the persons referred to in paragraph 3 are the transport company owners and they are aggrieved by the over-charging. This very fact clearly shows that the petitioner is espousing cause of the transport company owners. There is nothing on record to say that these transport company owners are prohibited from approaching any judicial forum including this Court for raising their grievance. As per the representation, one owner of private transport company also set criminal law in motion by lodging the report at police station.

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6. The documents placed on record show that the Aurangabad Cantonment Board floated tenders for collection of vehicle entry tax. An agreement was arrived at between one successful bidder and the Cantonment Board, Aurangabad. The terms and conditions which are the part of the tender notice are also placed on record. Thus, firstly, the very fact that the persons whose cause the petitioner is espousing are not prevented to approach this Court independently and secondly, there is a contract between the parties, meaning thereby the respondent-Cantonment Board is not collecting the toll as per its whims and fancies but by floating tenders and if there is any dispute in the nature of a commercial dispute, to raise the grievance about the commercial dispute the remedy certainly lies elsewhere.

7. Considering all aforesaid facts, we are of the considered opinion that we are unable to entertain the present petition which is styled and titled as a public interest litigation. We again make it clear that those persons who are the private transport company owners if are having any grievance either in the nature of a commercial dispute or otherwise, they may avail the appropriate remedies before the appropriate forum, if so advised.

Petition is accordingly disposed of.

(MANISH PITALE, J.)

(PRASANNA B. VARALE, J.)

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