

Protection of Rights Association	}	Petitioner
versus		
State of Maharashtra and Ors.	}	Respondents

Mr. C. G. Gavnekar with Mr. Hiranandani
for respondent no. 5.

DATE :- FEBRUARY 21, 2018

1. On this public interest litigation (PIL), notice was issued by this court on 6th June, 2016. The learned APP had waived service on behalf of respondent nos. 1 to 4.

2. After the notice was issued on this PIL, as the record shows, it has been listed 15 times prior to today. There is an affidavit, which has been filed by the State of Maharashtra in this PIL on 30th March, 2017 and there is a rejoinder affidavit filed by the petitioner dated 20th June, 2017.

3. The PIL is filed by an association and which projects a very serious grievance, according to it. That serious grievance is that the State of Maharashtra is compromising with the coastal security, particularly after the incident of 26th November, 2008 and has not deployed adequate number of speed boats nor has it been able to place the required number of trained employees so that the coastal areas can be safeguarded and protected. There is a scheme of the Government of India, particularly regarding the coastal security and the safeguarding of the zones, but the grievance raised is that the State Government has not shown any interest in implementing this Government of India scheme nor is it extending the necessary amounts or funds made available by the Government of India. In the rejoinder affidavit, the petitioner has invited the attention of this court to the deficiencies as noted in a CAG audit report.

4. On such an issue and which is stated to be of larger public interest, the petitioner and its advocate are seeking repeated adjournments. Today also, the petitioner's advocate is not present and the learned junior appearing on his behalf seeks time of four weeks.

5. We do not see how the PIL petitions and projecting such serious grievances are filed and pursued so casually. If the

members of the public themselves are not interested in espousing the cause so as to protect the larger public interest, then, we do not think that the court should oblige them by granting adjournments. This is one more instance where the so called alert, enlightened and educated members of the public bring PILs and thereafter assume that everything else will be done by the court or should be done by the court, as if there is no responsibility of the advocates or the petitioners themselves. Such PILs then remains pending on account of the negligence and lack of interest of the parties. This PIL is an example of the same for it is pending in this court for nearly one and half year. We are, therefore, not inclined to grant any adjournment.

6. We dispose of this PIL with liberty to the petitioner of approaching a competent criminal court in the event any FIR has not been registered by the State although cognizable offences are allegedly committed. The petitioner can approach a competent criminal court and seek its assistance in the event such punishable offences are committed.

(SMT. BHARATI H. DANGRE, J.)

(S.C.DHARMADHIKARI, J.)