

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

PUBLIC INTEREST LITIGATION NO.130 OF 2017
(Shri Shankar s/o Ambuji Khadke vs. The State of Maharashtra and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri G.G. Bade, Advocate for petitioner.
Shri D.P. Thakare, Additional Government Pleader for
respondent nos.1 to 6.
Shri A. Parchure, Advocate for respondent no.7.
Shri S.S. Meshram, Advocate for respondent nos.8 and 9.

CORAM : B.R. GAVAI AND
 M.G. GIRATKAR, JJ.

DATED : APRIL 4, 2018

The petitioner has approached this Court alleging that the lands, which were allotted to agriculturists, were illegally converted from Class II to Class I and for further direction to return the said lands to their original owners.

To a specific query as to whether the issue also involves the petitioner's land or not, Shri Bade, learned Counsel for petitioner, fairly concedes that petitioner's land is not involved in the issue.

The Hon'ble Apex Court in the case of **S.P. Gupta vs. Union of India (1981 (Supp) SCC 87)** has diluted the issue of locus standi and held that public interest litigation at the behest of persons, who for variety of reasons are not in a position to approach the Court, would be tenable at the instance of third party.

However, If any of the land owners is of the view that his land is illegally converted and he is entitled to get the land restored to him, he is not precluded from approaching the competent Court for taking such relief. We, therefore, find that the present public interest litigation at the instance of busybody would not be tenable. The public interest litigation is, therefore, rejected. Needless to say that interim order, if any, stands vacated.

JUDGE

JUDGE

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