

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.73 OF 2002

Sanjiv Chimbulkar

.... Petitioner

Vs.

The State of Maharashtra & Others

.... Respondents

Mr. Rajesh S. Datar for the Petitioner.

Mr. B.V. Samant, AGP, for the Respondent-State.

Ms Shaba Khan with Ms Kinjal Jani i/by Mr. R.V.

Govilkar for Respondent No.4.

Mr. C.G. Gavnekar with Mr. G.S. Hiranandani for
Respondent Nos.5 to 7.

CORAM: S.C. DHARMADHIKARI &
R.I. CHAGLA, JJ.

DATE : NOVEMBER 04, 2019

P.C:

1. This is a petition complaining about construction of a Jetty.

2. The grievance of the petitioner appears to be that, this construction is violative of the provisions in the statutes and in that regard we find that the complaint about the alleged illegalities is questioning the permission and approval on the ground that the documents or the correspondence on record do not disclose existence of any old Jetty at the site. Then the technical feasibility report is referred which also, according to the petitioner, does not refer to any existing Jetty. The

respondent No.5 is not claiming that there is any old Jetty and which requires any repairs or improvement. Then there is a reference to Survey No.247 which is a land vesting in a Village Panchayat and that has been used by the 5th respondent for the construction of this Jetty and its back-up area. There is no entry in the Revenue records of a Jetty or an existing construction of that nature which would enable the Village Panchayat then to consider granting permission. This is an altogether a new Jetty and has been constructed without seeking any permission and that construction is on a land vesting in the Village Panchayat.

3. We do not think that we should indulge the petitioner any further in such litigation simply because the reply filed by the 5th respondent on behalf of itself as also the 6th respondent shows that the Government of India issued a Notification amending the CRZ Notification. Now the affidavit refers to the existence or construction of Jetties. In the instant case the construction is justified by pointing out that there was an existing Jetty which was used by respondent Nos.5 and 6. They have taken permission from the 4th respondent and carried out the subject construction on 200 metres water front in the Dharamtar Creek. There is a lease obtained and even the construction activity is in accordance with the approvals and permissions on record.

4. We do not think any useful purpose will be served, after 16 years of the pendency of this litigation, by questioning any approval or permission granted. All the more when the petitioner has been unable to point out anything which would justify our interference in writ jurisdiction. It is the satisfaction of the authorities about requirement of construction or improvement of the existing Jetty. We do not think that in our limited jurisdiction we can interfere and probe any permissions and approvals of the nature sought and the construction activity. The PIL is, therefore, disposed of.

(R.I. CHAGLA, J.)

(S.C. DHARMADHIKARI, J.)