

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

PUBLIC INTEREST LITIGATION NO. 56 OF 2017

Uday Raman Patel

.. Petitioner

Vs.

The Administrator of Daman
& Diu and Dadara & Nagar
Haveli & Ors.

.. Respondents

WITH
CIVIL APPLICATION NO. 43 OF 2018
IN
PUBLIC INTEREST LITIGATION NO. 56 OF 2017

M/s. Raj Stone Quarry,
A Partnership Firm

.. Applicant

In the matter between

Uday Raman Patel

.. Petitioner

Vs.

The Administrator of Daman
& Diu and Dadara & Nagar
Haveli & Ors.

.. Respondents

Mr. Manoj Badgujar for petitioner.

Ms. Prachi Khandge I/by M. P. Vashi & Associates for the
Applicant in CAI/43/2018.

Mr. Shrishailya Deshmukh for Respondent Nos.1 to 3, 5 and 6.

Mr. Y. R. Mishra a/w Dhandesh Shah for UOI.

**CORAM : PRADEEP NANDRAJOG, C.J. &
N. M. JAMDAR, J.**

DATE : 29th JULY, 2019.

P.C. :

1. The Public Interest Litigation seeks enforcement of Daman and Diu Minor Minerals Concession Rules, 2013 but in what manner? Nothing is pleaded. A Writ Petition must have pleadings of law and pleadings of fact showing violation of law. For example one of the grievance in the Petition is that laws prohibits quarrying below 50 feet from the ground level or below the water level but there is no plea of fact that any quarrying is being done in violation thereof. It is pleaded that for granite a record has to be maintained after mining the same. No fact has been pleaded as to who violated what. Stray instances are pleaded in the form of certain individuals undertaking quarrying activity without an environmental clearances.
2. Suffice it to state the Court is not expected to pass an order directing the Respondents to ensure compliance with the Rules of 2013 for the reasons it is always expected from the State Authorities that they will always comply with the Rules. A Public Interest Litigation has to be preceded by proper research. Factual instances have to be pleaded evidencing the violation of the law with prayer made that said violation be stopped.
3. Finding nothing, we discharge the notice issued in the Public Interest Litigation and close the proceedings. File be sent to the Record Room.
4. Civil Application No. 43 of 2018 does not survive and is disposed of.

[N. M. JAMDAR, J.]

[CHIEF JUSTICE]