

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

PUBLIC INTEREST LITIGATION NO. 21 OF 2018

Shri Sunil Mohan Landage .. Petitioner
Vs.
The State of Maharashtra & Ors. .. Respondents

Mr. R. C. Barge for the Petitioner.
Mr. M. M. Pabale, AGP for Respondent Nos.1, 2, 5 & 6.
Mr. P. B. Shah i/b Mr. K. P. Shah for Respondent No.3.

**CORAM : PRADEEP NANDRAJOG, C.J. &
N. M. JAMDAR, J.**
DATE : 27th JUNE, 2019.

P. C. :

1. By way of instant Public Interest Petition, decision taken by the Standing Advisory Committee, Satara Municipal Council to prohibit construction within a distance of 182.88 meters from the boundaries of prisons is questioned on the reasoning that the rules promulgated under the Maharashtra Prisons (Prison Building and Sanitary Arrangements) Rules, 1964 stipulate 100 meters as the distance within which no construction can be made. The argument is that the Committee cannot increase the distance within which the construction would be prohibited.
2. Without going into the merits of the issue raised, suffice it to note that the land owners who would be aggrieved by the decision taken by the Committee would be entitled to challenge the resolution and in a

Public Interest Petition the Petitioner should not be conferred with a locus to enforce rights in favour of the land owners. It is not a case where the law is being violated in the sense the Committee's decision permits construction to be made within the limits notified by the statute. Should a land owner be aggrieved, he would be entitled to approach the Court.

3. Denuding the Petition *locus standi* to maintain, the Public Interest Petition is dismissed.

[N. M. JAMDAR, J.]

[CHIEF JUSTICE]