

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**PUBLIC INTEREST LITIGATION NO.38 OF 2006
WITH
CIVIL APPLICATION NO.199 OF 2014
WITH
CIVIL APPLICATION NO.192 OF 2015**

Milan Vasant Mhatre ..Petitioner
Versus
State of Maharashtra and others ..Respondents

**AND
CIVIL APPLICATION NO.49 OF 2015
IN
PUBLIC INTEREST LITIGATION NO.38 OF 2006**

Mira Bhayandar Municipal Corporation ..Applicant

IN THE MATTER BETWEEN

Milan Vasant Mhatre ..Petitioner
Versus
State of Maharashtra and others ..Respondents

Mr. Riba Vasudevan I/by Neeta Karnik, for the Petitioner in PIL and for the Applicant in CAI No.199/2014 & CAI No.192/2015.
Mr. N. R. Bubna, Advocate for Respondent No.3 in PIL & for Applicant in CAI No.49/2015.
Ms. Nisha Mehra, AGP for Respondent No.1 – State.
Mr. S. P. Thorat, Advocate for Respondent No.2A- Zilla Parishad.

**CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATE : 21st AUGUST, 2019**

P.C.

1] The Public Interest Litigation was filed pleading that the two Primary Health Centers managed by the Zilla Parishad were being funded by the State Government and the area fell within the jurisdiction of Mira Bhayandar Municipal Corporation. Relying upon a resolution of the Corporation to take over the management of the two hospitals the Petitioner sought a direction that the State Government as well as the Zilla Parishad should hand over the management of the two Primary Health Centers to the Mira Bhayandar Municipal Corporation.

2] Disposing of the Public Interest Litigation on 14th March 2014 it was directed that henceforth the two hospitals would be taken over by the Mira Bhayandar Municipal Corporation and to augment facilities therein funds would be made available by the Central Government under Jawaharlal Nehru National Urban Renewal Mission as also the State Government. 50% money required for up-gradation of the facilities was directed to be provided by the Corporation.

3] Liberty was granted for revival of the Petition and we find that the Petition was revived.

4] It appears that even the Corporation could not manage the two Primary Health Centers resulting in Civil Application No.199 of

2014 being filed praying that the Corporation should refurbish the building wherefrom Temba Municipal Hospital is being run. Staff should be employed and directions be issued to the Corporation to allocate the necessary funds.

5] Civil Application No.49 of 2015 was filed praying that the State Government be directed to make available requisite number of doctors on deputation at the Temba Hospital.

6] Civil Application No.192 of 2015 was filed praying that a Court Officer be appointed to enquire why the civil work of refurbishing the hospitals was being delayed and punish the officers.

7] The aforesaid facts show that from inception the Public Interest Litigation was misdirected and the helping extended by this Court when the order was passed directing the management of the two hospitals to be handed over to the Corporation was not correct.

8] Whether the State should manage the hospitals or the Corporation should do so is a matter of policy and not for a Court to decide.

9] The pleadings in the three applications show the mess which has been created on account of the judicial order passed. The Corporation had no funds and in spite of money made available by the Central Government and the State Government it could not refurbish

the two hospitals; much less provided paramedic and the medical staff evidenced by the prayers made in three Civil Applications.

10] Be that as it may, looking at the affairs of the hospitals when the same were entrusted to the Corporation, the State Government took over the functioning of the two hospitals. The Petitioner filed PIL No.32 of 2017 and his buddy filed PIL No.3 of 2016 praying that the State Government should be enjoined from taking over the management of the two hospitals.

11] The two Public Interest Litigations were dismissed on 17th November 2017 recording that when the two hospitals were entrusted to the Corporation things deteriorated. The order records that the move for the two hospitals to be taken over by the State should be welcomed. The order records that the State has deputed adequate staff. The order records that the working in the two hospitals has substantially improved after they were taken over by the State Government.

12] Thus, it is time to terminate proceedings in the PIL as also three Civil Applications. The PIL and the three Civil Applications are disposed of as infructuous.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE