

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.246 OF 2013

Keshubhai Vestabhai Patel & Anr.	 Petitioners
Vs.	
The Union of India & Others	 Respondents

Mr. Madhav V. Thorat for the Petitioners.
Ms Purnima Awasti with Mr. Parag Vyas for
Respondent Nos.1 & 4.
Mr. S.S. Deshmukh for Respondent Nos.2 & 3.

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

DATE : DECEMBER 09, 2019

P.C:

1. After having heard Mr. Thorat at some length and perusing the petition, the affidavit in reply and the rejoinder, we are of the opinion that at the behest of the petitioners we should not entertain any PIL and with the relief that is prayed.

2. If the PIL petitioners are of the opinion that there is a wrong-doing and that the public funds have been misappropriated in awarding or executing a public contract, nothing prevents them, even if the police machinery is not co-operating, from instituting a complaint in the Court of Competent Magistrate. The Competent Criminal Court has all the powers in law to take note of the grievance of this nature. It

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can record a *prima facie* satisfaction with regard to the commission of a cognisable offence and thereafter ensure that the guilty are brought to book.

3. We do not think that we should entertain a PIL for we are not equipped to deal with the dispute. On material factual aspect, there are disputes between the parties. We, therefore, do not think that PIL is the remedy for the petitioners. It is disposed of.

(R.I. CHAGLA, J.)

(S.C. DHARMADHIKARI, J.)

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