

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

PUBLIC INTEREST LITIGATION NO. 13 OF 2020

Chhaburao Radhakisan Bobade	... Petitioner
Versus	
The State of Maharashtra and others	... Respondents

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Mr. A. K. Shejwal, Advocate for petitioner
Mr. S. P. Sonpawle, AGP for the State

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**CORAM : PRASANNA B. VARALE
AND
R. G. AVACHAT, JJ.**

DATED : 18th FEBRUARY, 2020

PER COURT :-

. The learned counsel for the petitioner made an attempt to submit before this Court as to how the present Public Interest Litigation is maintainable. The attempt of the learned counsel is that a parallel proceeding in the nature of civil suit is in respect of very suit property, is the subject matter of this Public Interest Litigation, learned counsel invited our attention to a copy of Google map. But, we decline to refer this document for the reason that an opinion was formed by us on the earlier date when the petition was posted before this Court and this PIL is presented in this Court when there is a parallel proceeding pending. We had the reason to form the opinion and that reason came forth on

perusal of the contention of the petitioner, the prayer clause and the documents placed on record in the PIL. The prayers A and B read thus:

“A] To quash and set aside the construction permission dated 17-11-2017, issued by the respondent No.4- Chief Officer Municipal Council Rahata, Tq – Rahata, Dist – Ahmednagar in favour of the respondent No.8 [Exhibit-“G”].

B] To direct the respondent authorities to demolish the building, erected by the respondent No.8, in City Survey No.1700, 1709, situated at Rahata, Tq-Rahata Dist-Ahmednagar.”

2. Now, the property referred to in the prayer clauses and more particularly prayer clause “B”, wherein directions are sought for demolition of a constructed building in City Survey No.1700 and 1709, situated at Rahata, Taluka Rahata, District Ahmednagar. The petitioner had himself placed on record a copy of the plaint filed in the Court of Civil Judge, Junior Division, Rahata, bearing Regular Civil Suit No.192 of 2018 at Exhibit-“B”. In the list of plaintiffs, name of petitioner appears as plaintiff No.1 along with other plaintiffs. Then there is a private party who is defendant to this suit and this is a suit filed under the provisions of Specific Relief Act, and then prayers for injunction are also sought for.

3. It would be interesting to note that in the very first paragraph of the plaint, a reference is made to the suit property and the reference shows that in Clause-A the suit property is Survey No.1700, whereas in Clause-B the suit property is Survey No. 1709. When the petitioner himself admits by way of submitting documents before this Court that a parallel proceeding is pending before the competent Civil Court, there is absolutely no reason for this Court to entertain another proceeding in this Court under the guise of a Public Interest Litigation, that too only for the satisfaction of the petitioner who is a plaintiff in the suit. This reason itself prompts us not to entertain the present Public Interest Litigation. Accordingly, the Public Interest Litigation same is dismissed at the threshold.

[R. G. AVACHAT, J.]

[PRASANNA B. VARALE, J.]

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