

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.13 OF 2020

Shahajirao Dhondiba Thorat

.... Petitioner

Vs.

Hon'ble Shri Devendra Fadnavis

.... Respondent

Mr. Nitesh S. Nevashe, Legal Aid Counsel, for
the Petitioner.

Mr. Vinod Mahadik for the MCGM.

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

DATE : FEBRUARY 10, 2020

P.C:

Having heard this PIL at some length, we find that merely because an assurance is given by the then Chief Minister of the State or any political leader to set up a memorial befitting the stature of either a social or political leader, does not mean that the Court can issue a writ to the Government to do so. Writ, order or direction by the Court is issued when there is a preexisting legal right and a corresponding legal and public duty. In the present case, it is a mere expectation and hope that memorial befitting the stature of a tall leader like Anna Bhau Sathe, with all the facilities so as to enable the public to pay homage to him, would be set up and the State will take prompt steps in that regard. We cannot convert this into an enforceable

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legal right and for every member of such communities, particularly those to which the tall leader belonged and issue any order or direction, as prayed. The PIL is entirely misconceived and is dismissed.

(R.I. CHAGLA, J.)

(S.C. DHARMADHIKARI, J.)

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