

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

P.I.L. No. 28 of 2020

*(Netrutva Foundation, through its President vs. State, through its Principal Secretary,
Revenue and Forest Deptt., Mumbai and Others)*

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*
Court's or Judge's Orders

CORAM : SUNIL B. SHUKRE &
 AVINASH G. GHAROTE, JJ.

DATE : 16.12.2020.

1. Heard Mr.Sandeep Kumar, learned Counsel for the petitioner and Ms N.P.Mehta, learned Assistant Government Pleader for respondent nos. 1, 2 and 7.

2. Before any notice can be issued to the respondents, first this Court will have to examine the question of locus standi of the petitioner.

3. The petitioner claims itself to be taking up the cause of Antargaon village on behalf of residents of Antargaon village contending that the Gram Panchayat ought not to have passed resolution for allotting the land bearing Survey No.16 to the Maharashtra State Electricity Distribution Company for construction of 33/11 KV Sub-station by Gram Panchayat, Antargaon on the ground that this land is a reserved land subject to

consent of Forest Right Management Committee, Antargaon. Although the petitioner contends that it has taken up cudgels on behalf of villagers of Antargaon in the capacity as an N.G.O., the ground Gram Panchayat has not given any authority to the petitioner to take up such a cause by filing a Public Interest Litigation like the present petition. If there is any grievance to be aired before the Court of law, it would be for the concerned Gram Panchayat to do so. But that has not been done in the present case.

4. It is also the contention of the petitioner that consent of Group Gram Panchayat has been obtained by fraud and this is an important question that requires consideration in the present case. If that had been really the case, some villagers would have joined hands together and knocked at the doors of the Court. But again that is not the position here.

5. It appears to us that the activity being carried on in the present case by the Maharashtra State Electricity Distribution Company Limited and also group Gram Panchayat Antargaon is a beneficial one, which is going on to bring immense benefits of development to the residents of all the Gram Panchayats forming a group Gram Panchayat; but, such a developmental activity, for the reasons best known to the petitioner, is not acceptable to it. So, it appears to us that this is a petition which is thoroughly misconceived as it seeks a regressive

course for the residents of the Gram Panchayats within Antargaon Group Gram Panchayat. Such a petition cannot be entertained by this Court. Moreover, a substantial question has also been raised in this petition and therefore, it would not be appropriate for this Court to reopen the issue once again.

6. Although we would not be imposing any costs upon the petitioner, we hope that petition henceforth, if any would be brought before the Court for some construction activity rather than any regressive activity. The petitioner has no locus standi in the matter. The petition, therefore, stands summarily dismissed.

JUDGE

JUDGE

****jaiswal***