

AGK

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

PUBLIC INTEREST LITIGATION NO.13 OF 2022

Rajeev Mohan Mishra

...Petitioner

V/s.

The State of Maharashtra & Ors.

...Respondents

Mr. Amogh Singh i/by Mr. P. S. Nadar for the
petitioner.

Mr. A. R. Patil, Additional Public Prosecutor for
State.

**CORAM: DIPANKAR DATTA, CJ. &
MADHAV J. JAMDAR, J.**

DATE: SEPTEMBER 19, 2022

P.C.:

1. Complaining of illegal grabbing of plots of land [which were earlier acquired by the City and Industrial Development Corporation for implementation of a scheme for development of Navi Mumbai] by one Mr. Urmish Udani on the basis of fabricated documents, the petitioner has approached this Court with this public interest litigation seeking *inter alia* the following relief: -

“(b) This Hon’ble Court be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction directing the Respondents to register an First Information Report against the said offenders in the above matter.”

2. Law is well settled by the Supreme Court in the decisions in **All India Institute of Medical Sciences vs. Union of India**, reported in (1996) 11 SCC 582, **Gangadhar Janardan Mhatre vs. State of Maharashtra**, reported in (2004) 7 SCC 768, **Minu Kumari vs. State of Bihar**, reported in (2006) 4 SCC 359, **Hari Singh vs. State of U.P.**, reported in **(2006) 5 SCC 733**, and **Sakiri Vasu vs. State of U.P.** reported in (2008) 2 SCC 409, that when the Code of Criminal Procedure provides remedies if a complaint disclosing cognizable offence is not registered as First Information Report, the Court ordinarily ought not to entertain a writ petition and may relegate the complaining party to explore remedies in terms of the Code.

3. This is not an extreme case where there is a threat to life of any person or that some person has been bodily injured, yet, upon disclosure of information in relation to a cognizable offence having been committed, the police has not taken any action.

4. Even otherwise, merely because a public interest litigation has been instituted would not be sufficient to persuade us exercise our extra-ordinary writ jurisdiction when other remedies are available. We may, in this connection, profitably refer to paragraph 49 of the decision of the Supreme Court in **Jaipur Shahar Hindu Vikas Samiti vs. State of Rajasthan**, reported in (2014) 5 SCC 530.

5. The PIL petition does not merit interference. The same stands dismissed. No costs.

6. This order, however, shall not preclude the petitioner to explore an appropriate remedy under the Code.

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(MADHAV J. JAMDAR, J.)

(CHIEF JUSTICE)