

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

WRIT PETITION NO. 9200 OF 2021

Swabhimani Vasaikar Sanstha .. Petitioner
Versus
The State of Maharashtra and Ors. .. Respondent

WITH

WRIT PETITION NO. 9220 OF 2021

Vasai Jan Andolan Samiti .. Petitioner
Versus
The State of Maharashtra and Ors. .. Respondent

WITH

WRIT PETITION NO. 9227 OF 2021

Paryavaran Samvardhan Samiti .. Petitioner
Versus
The State of Maharashtra and Ors. .. Respondent

Mr. Anil D'souza for the Petitioners.
Mrs Swati Sagwekar for the Respondent No. 4-Corporation.
Mr. A.A.Alaspurkar , AGP for the State.

**CORAM: A. A. SAYED &
ABHAY AHUJA, JJ.**

DATE : 7th MARCH 2022

P.C. :-

1. The above 3 Writ Petitions are filed by the

Petitioners who claim to be Organisations involved with socio-political and environmental issues.

2. The Petitioners have filed the above Writ Petitions challenging the validity of certain provisions of the Unified Development Control and Promotion Regulation, sanctioned by the State Government vide Notification dated 02-12-2020 in so far as they relate to Vasai-Virar Municipal Corporation and the validity of Notification dated 27-10-2021, whereby the provision for G Zone in Regulation No. 10-6, Table 10-A of the Regulations, is deleted.

3. We find that the Petitioners cannot be said to be personally aggrieved and no rights of the Petitioners can be said to have been infringed. We, are, therefore, not inclined to entertain the Writ Petitions.

4. Admittedly, there is a PIL being PIL No. 18 of 2020 (as stated in the precipe of the Advocate for the Petitioner) raising the same issues are raised in the present Petitions being considered by the first Court wherein notice has been directed to be issued to the Respondents therein. It is not in dispute before the Court that issues raised in the PIL 18 of 2020 are identical to the issues raised in the above Writ Petitions.

We are therefore, not inclined to permit the Petitioners to convert the above Writ Petitions to PILs. Considering the heavy docket of this Court, separate PILs on the same subject need not be entertained, which would unnecessarily increase the docket of the Court further. In the circumstances, we dismiss the Petitions with liberty to the Petitioners to apply for intervention in the aforesaid PIL No. 18 of 2022, if so advised.

5. For completion of record, we may mention that learned Counsel for the Petitioners has placed reliance on the judgments of the Supreme Court in **Bangalore Medical Trust V/s. B.S. Muddappa and Others [1991] 4 SCC 54** and of learned Single Judge of the High Court of Andhra Pradesh in **Sheriff Iqbal Hussain Ahmed Vs. Government of A.P. and others, 2001 SCC Online AP 488**, which essentially say that in certain circumstances, where the rights of residents are affected, a Writ Petition can be entertained. The Petitioner-Organisations, in our view, cannot be said to be “residents” of the area whose rights are affected.

(ABHAY AHUJA, J.)

(A. A. SAYED, J.)