

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

...

PUBLIC INTEREST LITIGATION NO. 5 OF 2022

Shubham Rushi Bawankar

..Petitioner

versus

1) The State of Maharashtra and Others

..Respondents

Mr. A.R.Ingole, Advocate for the Petitioner

Ms. K.S. Joshi, Incharge Government Pleader for Respondent Nos. 1
to 7

...

CORAM: NITIN JAMDAR &
ANIL L. PANSARE, JJ
DATED : 28 March 2022.

P.C. :

This Public Interest Litigation is filed in respect of auctions of 18 sand ghats at Gondia District and 54 sand ghats at Bhandara District.

2. The Petitioner is not a bidder for both the auction processes. The grievance made in this Petition is regarding the process adopted being unfair to the bidders. As regards the unfairness of the procedure to the bidders is concerned, the bidders have filed their petitions wherein interim orders have been passed with clarification that where environmental clearance is obtained, the proceedings can continue.

3. Since the Petitioner has styled himself as a social worker we had asked the details of social work that Petitioner does, as we increasingly find that under the name of social work, locus is sought to be assumed. The Court has to be on guard to ensure that the extraordinary remedy of public interest litigation is not abused by unscrupulous elements. The learned Counsel for the Petitioner on the earlier occasion had stated that the Petitioner will contribute to social work to show his bona fides. The Petitioner had stated that he will attend the office of Legal Services Authority at Bhandara and was willing to do social work as suggested by the Legal Services Authority. This order was passed on 7 March 2022. The Legal Services Authority, Bhandara has stated that the Court Bailiff went to the house of the Petitioner on behalf of Legal Services Authority and requested him to be present for doing social work. For three weeks, the Petitioner did not report to Legal Services Authority.

4. We are convinced that the Petitioner's claim of being a social worker is not bona fide. This Petitioner has abused the process of law. The PIL is dismissed with costs of ₹ 10,000/- (rupees ten thousand).

5. The Petitioner shall pay the costs to the Legal Services Authority, Bhandara where the Petitioner had undertaken to do the social work, within a period of two weeks.

6. If the costs are not paid and receipt is not lodged in the Registry within two weeks, we place the responsibility of recovering the same on the concerned Tahsildar where the Petitioner resides as arrears of land revenue.

7. As stated above, the issue raised in this PIL, is already being considered, and is kept open.

[ANIL L. PANSARE,J.]

sahare

[NITIN JAMDAR,J.]