

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

67 WRIT PETITION NO.10122 OF 2022

**KAVITA VYANKAT JAGTAP AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS**

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Advocate for Petitioners : Mr. Sabnis Ameya N
AGP for Respondents/State : Mr. S.G. Yawalkar
Advocate for R/3 : Mr. Patil Hanmant V.

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**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 14th June, 2023**

PC. :-

1. On 20.12.2022, when this Court (Coram: Mangesh S. Patil & Y.G. Khobragade, JJ.) issued notice, the issue of maintainability of this petition was kept open.

2. All the Petitioners concede that two doctors who are constructing a hospital, have not encroached on any of their personal properties. It is also conceded that the construction of the hospital does not cause any personal injury to these Petitioners. It is their belief that the hospital is being constructed by encroaching on Government land. Both the concerned doctors, who are partners in the hospital, have not been arrayed as respondents in this petition.

3. In **Ashok Kumar Pandey V/s. State of West Bengal; 2004 3 SCC 349, Dr. B. Singh V/s. Union of India & Ors.; 2004 3 SCC 363, Dattaraj Nathuji Thaware V/s. The State of Maharashtra; 2005 1 SCC 590 and Gurpal Singh V/s. State of Punjab & Ors.; 2005 SCC 136**, the Hon'ble Supreme Court has concluded that petitions of such nature or in the form of a PIL must be scrutinized carefully and there should be no room for doubt as regards the intentions of the Petitioners. So also, when such petitions are filed, concrete information must be available with the Petitioners which has to be set out before the Court and the source of such information also has to be divulged.

4. Having perused the allegations set out in this petition and considering the locus of these petitioners, we do not have any doubt that this petition does not deserve to be entertained. If the petitioners have a personal cause, they are at liberty to approach the Civil Court, if permissible in law and point out to the Court the legal injury caused to them and justify the cause of action.

5. In these circumstances, **this petition is dismissed**. Nevertheless, we would expect the Municipal Corporation to perform its duty under the statute when it comes to permitting constructions to individuals or entities.