



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 1 OF 2022
IN
PUBLIC INTEREST LITIGATION NO. 70 OF 2021

Sandeep Dnyanoba Undre ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents

Mr. Sandeep Phatak for the petitioner.

Mr. P.P. Kakade, GP with Ms. P.J. Gavhane, AGP for the State.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 07 March, 2024

P.C.

1. This Review Petition has been filed praying for review of an order dated 25 October, 2021 passed by the co-ordinate Bench of this Court (Coram: Dipankar Datta, CJ (as His Lordship then was) and one of us (G.S. Kulkarni, J.) dismissing the Public Interest Litigation in terms of the following order:

“1. The petitioner complains of forgery of Gram Panchayat records which has ultimately resulted in a particular Trust being divested of its property. It is admitted at the bar that the petitioner is a tax payer and resident of the relevant Gram Panchayat; however, despite being aware of *prima facie* fabrication of documents, he has not lodged any criminal complaint pertaining to commission of cognizable offence. That apart, the Trust which is said to have been divested of its property by the alleged fabrication of records has a remedy under the law to seek appropriate declaration and consequential relief before the Civil Court.

2. Law is well settled that when the interests of affected parties can be protected and the controversy or dispute can be adjudicated by a mechanism created under a particular statute, such party should be

relegated to the appropriate forum instead of entertaining a public interest litigation. The decision reported in (2014) 5 SCC 530 (Jaipur Shahar Hindu Vikas Samiti vs. State of Rajasthan) may be profitably relied on in this connection.

3. This Public Interest Litigation is misconceived and, accordingly, stands dismissed. No costs.”

2. The contentions as urged by Mr. Phatak, learned counsel for the petitioner in support of the review petition is that the petitioner has no remedy and, therefore, the order under review be recalled and the petition be taken up for adjudication.

3. Having heard Mr. Phatak and also having perused the documents, more particularly, the report of the Inquiry Officer Mr. N.D. Karande, in our opinion, we do not find that there is any error apparent on the face of the order as passed by this Court.

4. Review Petition is accordingly dismissed. No costs.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)