

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 109 OF 2025

Shri Kamlakar Bhagoji Phatkare Petitioner.

V/s

The Chief Executive Officer,
having address at – Lokmanya Nagar,
Vishnu Nagar, Palghar and Others Respondents.

Mr. A.A. Siddiquie a/w Mr. Chowdhari Moin i/b A.A.
Siddiquie & Associate, Advocates for the petitioner.

Mrs. Neha S. Bhide, G.P. a/w. Mr. O.A. Chandurkar, Addl.
G.P. Mrs M.P. Thakur, A.G.P. for the respondent-State.

CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.

DATE : 4th NOVEMBER 2025.

PER, GAUTAM A. ANKHAD, J.

This Public Interest Litigation has been filed by a social worker and RTI activist residing in the Nalasopara area of Vasai, District Palghar. The petition purports to raise an issue concerning the construction of an allegedly illegal building in which the respondent no. 9 is stated to be running a school.

2. The petitioner states that in early 2023, he noticed a hoarding displayed by the Vasai-Virar Municipal Corporation in front of the school, declaring the said building as “illegal”. He claims to have filed RTI applications between January 2023 and March 2023 seeking information regarding the said construction. It is submitted that the respondent no. 9, by its letter dated 10th March 2023, declined to furnish the information sought. The petitioner further states that he addressed a representation dated 25th March 2023 to respondent nos. 1 to 8 raising his grievance regarding the alleged illegal construction. However, no response has been received from any of the authorities. In these circumstances, he has filed this petition seeking the following reliefs:

- “a) The Hon’ble Court be pleased to issue a Writ of Mandamus or any other order, Writ, direction in the nature against Respondent Nos. 1 to 9, directing them to take necessary steps to protect the lives of the students studying in illegal building.*
- b) The Hon’ble Court be pleased to direct Respondent nos. 1 to 8 to take appropriate actions on respondent no.9.*
- c) Provide temporary alternative relief to students who are studying in this illegal school.*
- d) Instruct the Education Officer to declare the school unauthorized by displaying a notice on the school building and demolish the building so that the concerned parents of the innocent school going students become aware about this situation.*
- (e) Appoint court authority to survey the illegal constructed school and to take appropriate actions against the person who gave permission to run such illegal schools.”*

3. We have heard Mr. A.A. Siddiquie, learned counsel for the petitioner, and carefully examined the materials on record. We find that the petitioner has utterly failed to demonstrate any element of public interest in the present proceedings. The pleadings are vague, bereft of material particulars, and wholly insufficient to sustain the wide and serious reliefs sought.

4. We note with concern that writ petitions are increasingly being filed under Article 226 of the Constitution invoking the label of “public interest” without first resorting to the statutory, alternative and efficacious remedies expressly provided under the law. The alleged statutory violations, if any, fall squarely within the jurisdiction of the local planning authority under the relevant enactments. Entertaining such matters would amount to bypassing the statutory machinery and rendering the legislative scheme nugatory. The petitioner claims that the Corporation displayed a hoarding stating “illegal building” outside the school premises. This allegation is unsupported by any reliable material. If the construction of the school run by the respondent no.9 is illegal, it is unlikely that the Corporation would simply display a hoarding and not initiate action under the applicable laws. On the facts placed before us, we are of the view that the petitioner has been set up to file this petition for extraneous and oblique purposes. As held by the Hon’ble Supreme Court in *Ashok Kumar Pandey v. State of West Bengal*, (2004) 3 SCC 349 and *Jaipur Shahar Hindu Vikas Samiti v. State of Rajasthan*, (2014) 5 SCC 530, a Public Interest Litigation is to bring justice to persons who are handicapped by indigence, illiteracy and other downtrodden people. It cannot be

permitted to be used as an instrument for personal gain, private motive, political or other oblique considerations. We are not satisfied that the petitioner is acting bona fide and this petition appears to be a classic example of abuse of the PIL jurisdiction. The petitioner's reliance placed on *Rajendra Kumar Barjatya & Another v. U.P. Avas Evam Vikas Parishad & Others*, AIR 2025 SC 259 is wholly misconceived. That decision dealt with established illegality in construction and dereliction of duty by statutory authorities—no such factual foundation exists here. The petitioner has not even produced the sanctioned plans or any primary evidence to demonstrate illegality of construction. Such suppression of material facts warrants outright rejection of the petition.

5. Public Interest Litigation No. 109 of 2025 is dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

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