

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

PUBLIC INTEREST LITIGATION NO.140 OF 2024

Sharad Ghodke,
Social Worker, R/o. New Panvel]
] .. Petitioner

Versus

1. State of Maharashtra,]
Through Department of Urban Development]
2. Panvel Municipal Corporation,]
Tal. Panvel, Dist. Raigad]
3. Director of Town Planning,]
Konkan Division, Navi Mumbai]
4. City Industrial & Development Corporation,]
CBD-Belapur, Navi Mumbai] .. Respondents

Mr. B.R. Zaveri, Advocate for the Petitioner.

Mr. Birendra B. Saraf, Advocate General with Ms. Neha S. Bhide, Government Pleader, Mr. O.A. Chandurkar, Additional Government Pleader and Mrs. G.R. Raghuwanshi, Assistant Government Pleader for the Respondent-State of Maharashtra.

Mr. Sarang S. Aradhya with Ms. Gauri Velankar, Advocates for Respondent Nos.2 and 3.

Mr. Sameer Patil, Advocate for Respondent No.4.

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

DATE : 4TH NOVEMBER 2025.

P.C. :

On 27th January 2025, the following order was passed by this Court :-

- “1 In this Writ Petition, notification dated 7/10/2024 issued by respondent no.1 has been issued under which clause 16 in United Development Control and Promotion Regulations for Maharashtra (UDCPR) has been sanctioned. A Bench of this Court on 16/12/2024 had issued notice.
- 2 When the matter is called today, he pray for and is granted four weeks’ time to enable them to file affidavit in reply.
List on 24/2/2025.”

2. The petitioner is claiming that he is a dedicated social worker having experience of more than twenty years in supporting the cause of elderly individuals, children and teenagers. He states that he is an Editor of Dainik Lokmat and connected with Human Rights Protection Association. The petitioner further states that he is a resident of Panvel and the land-holders within the jurisdiction of Panvel Municipal Corporation shall be affected and suffer irreparable loss on account of the Notification dated 7th October 2024. The petitioner has made the following prayers :-

- “(a) That this Hon’ble Court be pleased to issue writ of certiorari or any other appropriate writ, order and direction calling of the records and proceedings in respect of the Notification dated 7.10.2024 (Exhibit ‘A’) issued under Maharashtra Regional and Town Planning Act, 1966 bearing No.TPS-1224/1018/CR.15/24/UD-12 and after examining the legality and validity thereof, be pleased to quash and set aside the said Notification dated 7.10.2024;*
- (b) That this Hon’ble Court be pleased to issue writ of mandamus or any other appropriate writ, order and direction, declaring that the impugned Notification dated 7.10.2024 (Exhibit ‘A’ hereto) is illegal and ultra vires;*
- (c) That pending the hearing and final disposal of this Petition, this Hon’ble Court be pleased to stay the operation and implementation of the Notification dated 7.10.2024 (Exhibit ‘A’) issued under Maharashtra Regional and Town Planning Act, 1966 bearing No.TPS-1224/1018/CR.15/24/UD-12;*
- (d) Ad-interim and interim reliefs in terms of prayer in terms of prayer (c) above be granted;*
- (e) Cost of the petition be provided for;*
- (f) Such other and further reliefs as this Hon’ble Court may deem fit and proper in the circumstances of the case.”*

3. To support this writ petition as a public interest litigation, the learned counsel for the petitioner refers to the orders passed by this Court on different occasions. This is the submission of the learned counsel for the petitioner that this Court having taken cognizance of the matter, decided to issue notice to the respondents and in compliance thereof two affidavits have been

filed by the State-respondents. In short, the submission made at the Bar on behalf of the petitioner is that having travelled so far, this Court must hear this writ petition labeled as Public Interest Litigation.

4. To the aforesaid submissions, we are inclined to indicate that mere issuing notices in the matter shall not be a ground to entertain a petition as a public interest litigation. The expression “public interest” has a distinct connotation in the legal parlance and mere breach or violation of any regulation or statutory provision shall not bring any petition within the purview of a public interest litigation. This is also not the law that mere statement made in the petition that the impugned decision of the Government is likely to affect a large number of persons suffices to make it a petition in public interest.

5. In the counter-affidavit dated 27th February 2025 filed on behalf of respondent nos.1 and 3, the following objection has been taken :-

“4. At the very outset, it is humbly submitted that the present petition is not maintainable as the grounds raised therein are completely misconstrued and misconceived. The grounds raised for challenging the Notification are speculative in nature and have no base and/or any specifics. Apart from these preliminary objections, the present petition is also not as per the desired format and with the necessary specifics as per the public interest litigation rules. The petitioner has failed to demonstrate the adverse effects of the present Notification on public at large. It is humbly submitted that the Notification is published after following the due procedure as envisaged in Section 37(1AA) of Maharashtra Regional and Town Planning Act, 1966 and so the same is valid, subsisting and binding.”

6. In Public Interest Litigation (Lodging) No.27466 of 2025, this Court took a view that in the matters where the individuals would have adequate remedy in law, the Court should not entertain a public interest litigation. The view taken by this Court in OOCJ Public Interest Litigation (Lodging) No.27466 of 2025 (*Vinit Vinod*

Dhotre v. State of Maharashtra & Ors.) refers to the decision of the Hon'ble Supreme Court in "*Jaipur Shahar Hindu Vikas Samiti v. State of Rajasthan & Ors.*", (2014) 5 SCC 530, wherein the Hon'ble Supreme Court has observed as under :-

"The Courts should discourage the unjustified litigants at the initial stage itself and the person who misuses the forum should be made accountable for it. In the realm of public interest litigation, the courts while protecting the larger public interest involved, should at the same time have to look at the effective way in which the relief can be granted to the people whose rights are adversely affected or are at stake. When their interest can be protected and the controversy or the dispute can be adjudicated by a mechanism created under a particular statute, the parties should be relegated to the appropriate forum instead of entertaining the writ petition filed as public interest litigation."

7. We may also point out that the petitioner does not make a claim as stated in paragraph no.2 of the petition that he has been taking up causes of the persons affected by the impugned notification dated 7th October 2024. To recapitulate, we may indicate that the petitioner says that he has experience of last twenty years in supporting the elderly individuals, children and teenagers and he has knowledge and experience in a skilled case management. That apart, we may further indicate that the petitioner nowhere states in this writ petition that he conducted sufficient research and gathered materials as mandated under the judgment in "*S.P. Anand v. H.D. Deva Gowda*", (1996) 6 SCC 734. Leaving aside the aforesaid aspects, we reiterate our view taken in OOCJ Public Interest Litigation (Lodging) No.27466 of 2025 titled "*Vinit Vinod Dhotre*" and Public Interest Litigation No.140 of 2024 is dismissed. However, we would permit the petitioner to make his submissions at the time of final hearing of Writ Petition No.6746 of 2024 (*Pawan Rajaramrao Kadam v. The State of Maharashtra & Ors.*) and connected matters wherein he is added as a party-respondent.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

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