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

PUBLIC INTEREST LITIGATION NO. 77 OF 2025

Kalpesh Chandrakant Yadav

... Petitioner

V/s.

The Union of India through its
Secretary, Ministry of Defence and Ors.

... Respondents

Mr. Rohan Mahadik with Mr. Bhavin Vora i/b. The Juris Partners for the
Petitioner

Mr. Piyush Shah for Respondent nos. 1 and 2

Mr. Shubham Misar i/b. Mr. Sugandh Deshmukh for Respondent No.11

**CORAM : ALOK ARADHE, CJ. AND
SANDEEP V. MARNE, J.**

DATE : 06 AUGUST 2025

Oral Order (Per Chief Justice) :

1. This Public Interest Litigation has been filed by the Petitioner claiming himself to be a member of one Chhava Pratishthan, Pune.

2. In the PIL it is asserted that the aforesaid Chhava Pratishthan is a Non-Government Organization which was registered in the year 2008. The Petitioner, who is the member of the aforesaid NGO has challenged the construction activity which has been undertaken by Respondent No.10 - M/s. Yashcon Urban Developments LLP on the ground that the Respondent No.10 has not obtained NOC from the concerned authority.

3. Facts giving rise to filing of the PIL briefly stated are that Respondent No.6 – Concord Co-operative Housing Society was the owner of the land bearing Survey No. 214 Hissa No.1 and 4, Village Lohegaon, Taluka Haveli, District Pune (hereinafter referred to as ‘subject land’). The same was sold by the aforesaid Society to Respondent Nos. 7 to 9. The Pune Municipal Corporation granted Commencement Certificate (CC) to Respondent Nos. 7 to 9 on 3 March 2021 on the basis of NOC dated 22 August 2019, which was issued by NOC Cell, Air Traffic Services for undertaking construction of building on the subject land. The said Respondents viz. Respondent Nos. 7 to 9 sold the land on 12 May 2021 to Respondent No.10. The Pune Municipal Corporation, on 14 January 2022 granted CC to Respondent No.10. According to the Petitioner, the ATS Section of Air Force Station, Pune on 24 January 2024 sent a communication to the City Engineer informing against the issuance of CC dated 3 March 2021. Thereafter, the ATS Section of Air Force Station, Pune sought clarification vide communication dated 27 February 2024 from Respondent Nos. 7 to 9 regarding the NOC.

4. The Petitioner, thereafter, on 21 October 2024 submitted an intimation to the City Engineer stating that false NOC data was submitted by Respondent Nos. 7 to 9 in respect of CC dated 3 March 2021 and to

Respondent No.1 in respect of CC dated 24 January 2024. The instant PIL thereafter has been filed on 25 June 2025.

5. In view of directions issued by the Supreme Court in the case of ***State of Uttaranchal V/s. Balwant Singh Chauhan***¹, to frame Rules for encouraging the genuine PIL and to discourage the PIL filed with an oblique motive, the Bombay High Court has framed the Rules namely Bombay High Court Public Interest Litigation Rules, 2010. Rules 5 and 7 of the aforesaid Rules which are relevant for the purposes of controversy involved in the instant Public Interest Litigation are extracted below for the facility of reference :-

“Rule – 5. In the petition to be filed under Clause (e) of Rule 4, the petitioner shall disclose.--

(a) petitioner's name, complete postal and E-mail address, phone number, proof regarding personal identification, occupation and annual income, PAN number and National Unique Identity Card, if any and registration under the Act.

(b) the facts constituting the cause of action.

(c) the nature of injury caused or likely to be caused to the public.

(d) the nature and extent of the personal interest, if any, of the petitioner(s).

(e) details regarding any civil, criminal or revenue litigation, involving the petitioner or any of the petitioners, which has or could have a legal nexus with the issue(s) involved in the Public Interest Litigation.

(f) petitioner's locus standi, except in a petition filed in public law interest.

1 (2010) 3 SCC 402

Rule – 7. The Petitioner(s) while filing a Public Interest Litigation Petition under Clause (e) of Rule 4 shall.--

(a) annexe to the petition an affidavit stating that there is no personal gain, private motive or oblique reason in filing the Public Interest Litigation and

(b) file an affidavit undertaking to pay costs as ordered by the Court, if it is ultimately held that the petition is frivolous or has been filed for extraneous considerations or that it lacks bona fides.

(c) file an undertaking that he/it will disclose the source of his/its information, leading to the filing of the Public Interest Litigation, if and when called upon by the Court, to do so.

(d) annuxe to the petition, a copy of the registration certificate and an authorization resolution to file a PIL Petition when the petition is filed by an Association or a like body.”

6. In Paragraph 1 of the PIL has disclosed his antecedents in the following manner :-

“1. The Petitioner states that, the Petitioner is citizen of India, having address as mentioned in the title clause. The Petitioner has been member of Chhava Pratishthan a Non-Government Organization having NGO ID as MH/2022/0311323 and having registration no. F22320/Pune registered since 2008 and is interested in supporting the public cause in the larger public interest especially in the field of technical education. The present petition is more specifically concerned with the national security of the country and the Petitioner has filed the present petition with a sense of duty to contribute to the protection of the defence establishment of the nation and to ensure continued and unhindered operations of the Air Force Stations. The Petitioner is taking keen interest in the social activities and tries to achieve social justice through its efforts. Therefore, the Petitioner is invoking Civil Appellate Jurisdiction of this Hon’ble Court for the public good/national cause.”

7. Thus, it is evident that the PIL does not comply with the requirements of Rules 5 and 7 of the Bombay High Court Public Interest Litigation Rules, 2010.

8. It is trite law that the doctrine of delay and laches apply to the PIL as well. (See : *Bombay Dyeing & Manufacturing Co. Ltd. V/s. Bombay Environmental Action Group and Ors.*²).

9. In the instant PIL, the Commencement Certificate was issued on 3 March 2021 whereas the PIL has been filed after an inordinate delay of four years after the construction is complete. The Petitioner waited for the building to complete and thereafter approached this Court belatedly for which no explanation has been offered. The PIL thus suffers from delay and laches and therefore, will not be entertained.

10. So far as the issue raised by the Petitioner with regard to non-issuance of NOC is concerned, from the perusal of communication dated 24 January 2024, sent on behalf of ATS Section of the Air Force, it is evident that in the said communication it has been stated that the record pertaining to NOC granted to Respondent Nos. 7 to 9 is not available. Thus, it cannot be inferred that no NOC has been issued. However, the issue with regard to

2 (2006) 3 SCC 434

non-issuance of NOC is kept open to be agitated in an appropriate proceedings. We are not inclined to examine the same at the instance of the Petitioner.

11. Accordingly, the PIL is dismissed.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)