

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

PUBLIC INTEREST LITIGATION NO.91 OF 2025

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Narayan Gajanan Thakur

.. Petitioner

Vs.

The Collector of Raigad & Ors.

.. Respondents

...

Mrs. Neha S. Bhide, Government Pleader with Mr. O. A. Chandurkar, Additional Government Pleader and Ms. G. R. Rahguwanshi, AGP for the Respondent Nos.1 to 3, 8, 10 to 12, 16 and 17.

Mr. Amit Munde, Special PP a/w. Mr. Jai Vohra for CBI – Respondent No.3.

Mr. Soham Bhalerao with Mr. Harshit Tyagi i/b. DSK Legal for the Respondent Nos.4 to 7.

...

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

DATE : 25th SEPTEMBER 2025.

P.C. :

In this Public Interest Litigation petition, the following prayers have been made by a person who claims to be an agriculturist and a businessman:

“a. That this Honourable Court may be pleased to Issue a Writ of Mandamus or any other appropriate Writ, Order, or Direction, directing Respondent Nos. 1 to 10 to call for and place on record copies of RTI replies, site inspection reports, internal audit notes, correspondence, royalty registers, drone survey data, work orders, GPS based transportation reports and minutes of meetings pertaining to the excavation and transport of minor minerals at the Navi Mumbai International Airport site under the contract awarded to Respondent No.19, and the consequent royalty evasion thereof.

b. That this Honourable Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction, directing the Respondent Nos. 1 to forthwith initiate recovery proceedings under Section

48 (7) and 48 (8) of the Maharashtra Land Revenue Code, 1966, and Government Resolution dated 14/06/2017, against Respondent No.19, amounting to **Rs.12,801,57,68,925/-** (Rs.12,801.57 Crores) [Rupees Twelve Thousand Eight Hundred One Crore Fifty-Seven Lakh Sixty-Eight Thousand Nine Hundred Twenty-Five Only] and direct Respondents to submit a compliance report to this Hon'ble Court within a time period as may be prescribed. (At Exhibit-C).

c. That this Honourable Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction, directing to Collector of Raigad (i.e., Respondent no.1), State of Maharashtra (Respondent no.17) and Respondent no.4 to 7 [CIDCO], to forthwith Blacklist and terminate all present and future contracts with Respondent No.19 [M/s Bhartia Infra Projects Ltd] and seize any further payments pursuant to any active contracts until recovery is complete and penalties are paid and direct Respondents submit a compliance report to this Hon'ble Court within a time period as may be prescribed.

d. That this Honourable Court upon perusal of the material placed on record, may be pleased to exercise its inherent and constitutional powers to initiate appropriate 'Suo motu proceedings or directions' under its supervisory jurisdiction against Respondent No.1, 2 and Respondent No.4 to 7, for their failure to enforce royalty recovery, prevent illegal excavation on government land, and comply with ministerial directions, thereby abdicating their statutory duties (At Exhibit-C, D1, D2 and D3)

e. That this Honourable Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction, directing Respondent Nos.1 and 17 [i.e., the District Collector, Raigad and the State of Maharashtra] to initiate criminal proceedings and lodge FIRs against the Directors and responsible officers of Respondent No.19 [M/s Bhartia Infra Projects Ltd], and also against errant officers of CIDCO and other concerned authorities, who, by their acts of commission or omission, have facilitated or failed to prevent large-scale statutory violations, causing grave loss to the State exchequer and serious environmental degradation. (At Exhibit-C, D1, D2, D3 and H1 to H5)

f. That this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction, directing Respondent Nos.1 (Collector of Raigad), Respondent no. 4 to 7 (CIDCO and its officials), Respondent no.8 (Directorate of Geology and Mining), and the Respondent no.10 (i.e., Revenue and Forest Department) **to implementation and establishment of a State-wide Policy** and institutional framework for real-time monitoring of progress of tender contracts; verification and tracking of royalty payments by appointed agencies; inter-departmental communication systems for transparency and accountability; and mandatory blacklisting of defaulting agencies across all State agencies and periodic public disclosure of mineral extraction and royalty payments, and direct Respondents to submit a detailed compliance report within a fixed timeframe.

g. Pending the hearing and final disposal of this Petition, restrain Respondent No.1, Respondent No. 4 to 7, Respondent No. 17 and Respondent No. 18 from issuing any further work orders to Respondent No. 19 and to further refrain from releasing any payments in favour of Respondent No.19.

*h. Pending the final hearing and disposal of this Petition direct Respondent No.1 to recover and deposit with the Registry of this Hon'ble Court or in a designated government treasury, the defrauded royalty amount along with penalties [as directed by Respondent no.11 and 12] amounting to Rs. **12,801,57,68,925/-** (Rs.12,801.57 Crores) [Rupees Twelve Thousand Eight Hundred One Crore Fifty-Seven Lakh Sixty-Eight Thousand Nine Hundred Twenty-Five Only] or such portion thereof as this Hon'ble Court may deem fit, to secure the interests of the public exchequer and prevent further dissipation or diversion of funds arising from the illegal excavation and sale of minor minerals. (At Exhibit- C)*

i. That any other Orders, directions, or reliefs as this Hon'ble Court may deem fit and proper in the interest of justice, accountability, environmental protection, and public revenue may be issued."

2. The petitioner states that he is personally aware of the difficulties of the public and he has filed this Public Interest Litigation for recovery of royalty from the respondent no.19. The petitioner further states that he received certain information under the Right to Information Act regarding the tender work orders and on that basis he has filed this Public Interest Litigation. The information disclosed to him through the Right to Information Act merely gives a schedule of the work and mandatory conditions of contract. The petitioner, however, makes further allegations in paragraph (C) at page no.37 of the petition under the caption "facts in brief" that there are certain directions issued by the Revenue Minister and the Forest Minister of the State of Maharashtra to recover the default royalty along with penalty but the respondent no.1 failed to make such recoveries. He has also referred to the Government Resolution under which the Revenue and the Forest Department lodged First Information Report and imposed penalty

five times the market value of the minerals illegally excavated. He further states that the respondent no.19 is involved in illegal sale and transportation of materials.

3. Having gone through the pleadings in this Public Interest Litigation, we have formed an opinion that this petition has been filed with oblique motive. The petitioner, who is an agriculturist and a businessman by profession seems to have lodged this petition out of some grudge against the respondent no.19 or he has approached this Court at the instance of rival parties of the respondent no.19. On a Court's query, the petitioner states that he has educational qualification of standard 12th obtained in the year 1982 and seems to challenge the award of tender to the respondent no.19 by the CIDCO for excavation of rock, transport and disposal of surplus materials under the contract. The so called grievances sought to be agitated in this Public Interest Litigation pertains to contractual and commercial transaction between the CIDCO and the respondent no.19. A stranger to the commercial transaction shall not have privy to the contract and cannot maintain a petition labeled as a Public Interest Litigation. Any violation of the terms of the contract or a statutory violation by the contractor shall be taken care of by an Employer and no public interest is involved in this matter. In "*State of Uttaranchal v. Balwant Singh Chaufal & Ors.*" (2010) 3 SCC 402, the Hon'ble Supreme Court observed that it is high time that the High Court takes effective steps to stop filing of repetitive and frivolous petitions in the name of Public Interest Litigation. Not only the petitioner has failed to establish his *locus* to maintain this Public Interest Litigation, even if the rules thereto are relaxed to a certain extent, this Public Interest Litigation seems to be a sheer abuse of the process of the Court.

4. With the aforesaid observations, Public Interest Litigation No.91 of 2025 is dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]