

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

PUBLIC INTEREST LITIGATION NO.104 OF 2025

Anna Kishanrao More,]
R/o. Kalyan, Dist. Thane] .. Petitioner

Versus

- | | | |
|--|---|----------------|
| 1. The State of Maharashtra, |] | |
| Through Public Works Department |] | |
| 2. Chief Engineer, |] | |
| Public Works Department, |] | |
| Government of Maharashtra |] | |
| 3. The Superintendent Engineer, |] | |
| Mumbai PWD Civil Bandhkam Bhavan, |] | |
| Government of Maharashtra |] | |
| 4. The Executive Engineer, |] | |
| Public Works Department, |] | |
| Government of Maharashtra |] | |
| 5. The Deputy / Sub-Divisional Engineer, |] | |
| Public Works Department, |] | |
| Government of Maharashtra |] | .. Respondents |

Mr. Ditendra Mishra, Advocate for the Petitioner.

Mrs. Neha S. Bhide, Government Pleader with Mr. O.A. Chandurkar, Additional Government Pleader and Mrs. G.R. Raghuwanshi, Assistant Government Pleader for Respondent Nos.1, 2 and 5.

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

DATE : 18TH NOVEMBER 2025.

P.C. :

The petitioner has filed this writ petition labelled as Public Interest Litigation claiming the following reliefs:

“(a) This Hon’ble Court be pleased to issue writ of mandamus or any other writ, order or direction thereby calling for records and proceeding of Government Resolution dated 24.04.2012, Part II, Section 3, sub-section (ii) whereby the road described by the Government of Maharashtra respectively and after perusal of the same may please be quashed and set aside the resolution.

(b) This Hon’ble Court be pleased to issue writ of certiorari and quo-warranto and appoint the Committee to examine the

illegality and penalize the respondents if they found guilty accordingly about the disbursement of the tax payers money for the false tenders and construction of roads which is no in existence on the land of Maharashtra.

- (c) *That This Hon'ble Court may be pleased to issue the writ of mandamus, certiorari and quo-warranto with direction to call for records and proceedings of the tenders awarded to contractors whose names are appearing in the said list for construction work of the roads permitted by the respondent nos.2, 3 and 4.*
- (d) *That this Hon'ble Court may be pleased to issue writ of mandamus, certiorari and quo-warranto thereby appoint the committee to examine the participation of the respondent who are responsible for loss of the State exchequer and as such the loss incurred to the State Government must be recovered from the respondents with effect from the orders."*

2. The petitioner claims to have personal knowledge about the facts as he was working in the Irrigation Department. He claims that he is a social worker and no personal interest in this matter. The pleadings in this Public Interest Litigation runs into 46 pages, but the facts are so hazy that it is difficult to make out what exactly the petitioner wants except that he has targeted one M/s. Shubham Civil Engineers which, according to him, was paid Rs.4,33,80,904/-. The petitioner submits that the said entity was wrongly given price escalation contrary to the Government Resolution dated 10th January 1992 which he could find after his retirement. Not only this writ petition labelled as Public Interest Litigation seems to be unfounded and lacks merits, this is also an abuse of the process of the Court.

3. It is settled law as held by the Hon'ble Supreme Court in "*Ashok Kumar Pandey v. State of West Bengal*" (2004) 3 SCC 349 that a person acting *bona fide* and having sufficient interest in the proceedings of PIL shall alone have *locus standi* and petitions filed for personal gain or any other oblique considerations cannot be entertained. This position is reiterated by the Hon'ble Supreme Court in "*Dattaraj Nathuji Thaware v. State of Maharashtra & Ors.*" (2005) 1 SCC 590 which reads as under:

“4. When there is material to show that a petition styled as a public interest litigation is nothing but a camouflage to foster personal disputes, the said petition is to be thrown out. Before we grapple with the issue involved in the present case, we feel it necessary to consider the issue regarding public interest aspect. Public interest litigation which has now come to occupy an important field in the administration of law should not be “publicity interest litigation” or “private interest litigation” or “politics interest litigation” or the latest trend “paise income litigation”. The High Court has found that the case at hand belongs to the last category. If not properly regulated and abuse averted, it becomes also a tool in unscrupulous hands to release vendetta and wreak vengeance, as well. There must be real and genuine public interest involved in the litigation and not merely an adventure of a knight errant borne out of wishful thinking. It cannot also be invoked by a person or a body of persons to further his or their personal causes or satisfy his or their personal grudge and enmity. Courts of justice should not be allowed to be polluted by unscrupulous litigants by resorting to the extraordinary jurisdiction. A person acting bona fide and having sufficient interest in the proceeding of public interest litigation will alone have a locus standi and can approach the court to wipe out violation of fundamental rights and genuine infraction of statutory provisions, but not for personal gain or private profit or political motive or any oblique consideration. These aspects were highlighted by this Court in *Janata Dal v. H.S. Chowdhary* [(1992) 4 SCC 305 : 1993 SCC (Cri) 36] and *Kazi Lhendup Dorji v. CBI* [1994 Supp (2) SCC 116 : 1994 SCC (Cri) 873] . A writ petitioner who comes to the court for relief in public interest must come not only with clean hands like any other writ petitioner but also with a clean heart, clean mind and clean objective. (See *Ramjas Foundation v. Union of India* [1993 Supp (2) SCC 20 : AIR 1993 SC 852] and *K.R. Srinivas v. R.M. Premchand* [(1994) 6 SCC 620] .)

4. The petitioner is not able to demonstrate his bona fides. This is not a petition for the benefit of the poor or downtrodden whose fundamental rights are infringed. It appears to be a proxy litigation to target M/s. Shubham Civil Engineers. In view of above, **Public Interest Litigation No.104 of 2025 is dismissed.**

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]