

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

PUBLIC INTEREST LITIGATION NO.105 OF 2025

Vijendra Kumar Rai,	]	
R/o. Santacruz (East), Mumbai	]	.. Petitioner
Versus		
1. State of Maharashtra,	]	
Through Ministry of Revenue & Forest Dept.	]	
2. Union of India,	]	
Through Ministry of Environment & Forest Dept.	]	
3. The Collector, Thane District	]	
4. The Municipal Commissioner of Thane,	]	
Thane Municipal Corporation	]	
5. The Divisional Commissioner,	]	
Konkan Division, Konkan Bhavan, Navi Mumbai	]	
6. Maharashtra Coastal Zone Management	]	
Authority (MCZMA), Mumbai	]	.. Respondents

Mr. Yousuf Khan, i/by Mr. Iram B. Sayed, Advocates for the Petitioner.

Mrs. Neha S. Bhide, Government Pleader with Mrs. Pooja Patil, Assistant Government Pleader for Respondent Nos.1, 3 and 5.

Ms. Chaitrali Deshmukh, Advocate for Respondent No.4.

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

DATE : 18TH NOVEMBER 2025.

P.C. :

With as many as calculated 14 prayers, this Writ Petition labelled as a Public Interest Litigation has been filed. The prayer clause (a) in this Writ Petition reads as under:

“(a) That this Hon’ble Court be pleased to pass a writ of mandamus or a writ in the nature of mandamus or another appropriate writ, order or direction directing the respondents (i) to declare the areas covered by mangrove forests in the area of Mumbra and Diva as per the 1995 satellite plan as a specifically designated ‘mangrove protection area with such modifications as this Hon’ble Court may deem fit, (ii) to forthwith forbear from permitting any destruction or denudation or mangroves in the

aforesaid 'mangrove protection area', inter alia, by dumping, obstructing water supply, cutting of mangroves or by any other method, (iii) to forthwith remove all existing obstructions blocking water supply to mangroves in the 'mangrove protection area', (iv) to forthwith remove all encroachments in the mangrove protection area, (v) to take steps for the preservation of the aforesaid 'mangrove protection area' through, inter alia, the establishment of eco-tourism parks on the lines, (vi) earmark a special mangrove restoration fund for the preservation of the mangrove protection area, (vii) to carry out a monthly satellite study to monitor any change of land use within the mangrove area, (viii) to account for the application of funds received by State of Maharashtra National Committee on Mangroves & Coral Reefs for the preservation of mangroves in Maharashtra."

2. At the outset we may indicate that a writ Court has no jurisdiction to conduct a roving enquiry and to issue the directions as indicated under prayer clause (a); as many as 8 directions. This is also not expected of a writ Court exercising the jurisdiction under Article 226 of the Constitution of India to gather some fact on the basis of the affidavits filed by the parties to grant some relief to a person projecting himself as an aggrieved person. In the entire writ pleadings, there is no reference of any destruction of mangroves except as stated in paragraph no.19 which is confined to survey nos.124, 43, 102, 120, 44 and other areas of village Mumbra. The petitioner states that he is not a resident of Mumbra or Diva area. But he says that he has knowledge that the aforesaid area falls under a coastal zone which is covered by the mangroves. The petitioner does not claim that he ever visited Mumbra or Diva area to find out any destruction caused to the mangroves. In fact, his representation dated 5th August 2025 is directed against Goyal family and Naruttam Nagar Co-operative Housing Society. A Public Interest Litigation directing an individual or a group of individuals cannot be taken cognizance of. The learned counsel for the petitioner has taken us through the order dated 6th October 2005 passed in Writ Petition (Lodging) No.3246 of 2004 and analogous cases in which a direction was

issued by this Court to designate a senior officer not below the rank of District Magistrate and Collector and Deputy Commissioner of Police/Superintendent of Police. It was further indicated in the directions issued by this Court under paragraph 8 of the said order that the designated officer shall entertain complaints of the citizens. The petitioner who is about 44 years of age has made his complaint only on 5th August 2025.

3. In “*BALCO Employees’ Union v. Union of India*” (2002) 2 SCC 333, the Hon’ble Supreme Court observed that a writ petition labelled as a Public Interest Litigation cannot be entertained at the behest of a person who has failed to indicate any public interest involved in the matter. If the judgment in “*Bombay Environmental Action Group v. State of Maharashtra*” (Writ Petition (Stamp) No.32461 of 2004) is taken as the basis for entertaining this writ petition, then there would be unending petitions flooding the Courts filed by a person who was not even born on the day when the aforesaid directions dated 6th October 2005 were issued by this Court. In fact, this Court has deprecated the practice of filing of repeated writ petitions by the individuals or group of individuals. For the aforesaid reasons, we are not inclined to entertain this Public Interest Litigation No.105 of 2025 which is accordingly dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

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