# IN THE HIGH COURT OF JUDICATURE AT BOMBAY NAGPUR BENCH AT NAGPUR

## WRIT PETITION NO. 7005 OF 2023

Deepak s/o Mohan Swami,
age : 46 years, Occ. Service,
R/o. House No.3536, Motha Indora,
Jaripatka, Shravasti Nagar, Nagpur .. **Petitioner**

**Versus**

1. Secretary, State of Maharashtra, Co-operation, Marketing and Textile, Mantralaya, Mumbai – 32
2. The Divisional Joint Registrar, Co-operative Societies, Sitabuldi, Nagpur
3. Commissioner, Co-operative Department, Central Building, Pune
4. The Chief Executive Officer, Nagpur Mahanagar Palika Karmachari Co-operative Bank Ltd., Mahal, Nagpur Registration No.303
5. Additional Tax Commissioner – GST, Nagpur (NAG-GEN-G-001) Office at GST Bhavan, Civil Line, Opposite High Court, Nagpur, 440001
6. Shri N.B. Kondawar, age : Major, Occ. Service Special Auditor, In front of Ganeshpeth Police Station, Bhoo-Vikas Building, Ganeshpeth, Nagpur
7. Glance Enterprises, through its proprietor Mr. Mohd. Danish, age : Major, Occ. Service R/o 248, C.A.Road, Gandhi bagh, Nagpur

.. **Respondents**

8. Sanskar Enterprises, through its proprietor Ms. Payal Moreshwar Ghune, age : Major, Occ. Service, R/o Shakuntala, House No.2420, Plot No.40, Near Rekhatai Hall, Ishwar Layout, Godhani (Railway), Nagpur – 71

9. Devansh Enterprises, through its proprietor Shri Shailesh s/o Arundhar Shinde, age : Major, Occ. Service, R/o Plot No.17, Ayodhya Nagar, Manewada Road, Nagpur

   Executive Body members of Nagpur Mahanagar Palika Karmachari, Co-operative Bank Ltd. Nagpur for the period 2014-15 to 2020-21

10. Shri Vijay s/o Govindrao Kathwate age : Major, Occ. Service R/o Behind Sahu Garden Convent Manewada Road, Nagpur 440024

11. Shri Rajkumar s/o Ganeshrao Yadav, age : Major, Occ. Service, R/o Near Shanti Nagar Ghat 440002

12. Shri Dilip s/o Anandrao Deogade, age : Major, Occ. Services (Also Member for 2022-23 to 2026-27) R/o Plot No.99/B, Shri Hari Nagar Godhani Road, Zingabai Takli, Nagpur 440030

13. Shri Shashikant s/o Yadavrao Admane, age : Major, Occ. Service R/o Patvi Galli, Timki Golibar Chowk, Nagpur 440002

14. Shri Ishwar s/o Chandrabhan Meshram, age : Major, Occ. Service (Also Member for 2022-23 to 2026-27) R/o 231, Azad Colony, Ashok Nagar Cement Road, Nagpur, 440017.

15. Shri Surendra s/o Ramchandra Tingane, age : Major, Occ. Service, R/o Narendra Nagar Samaj Bhushan Society, Nagpur, 440015

16. Shri Rajesh s/o Gopichand Gavare, age : Major, Occ. Service, R/o Vijayanand Society, Near Hanuman Mandir, Nagpur 440015

17. Shri Dilip s/o Shyamsundar Chaudhary, age : Major, Occ. Service, R/o Cement Road, Near Gandhi Gate, New Shukrawari Road, Mahal, Nagpur, 440032

18. Shri Nitin s/o Baburaoji Zade, age : Major, Occ. Service, (Also Member for 2022-23 to 2026-27) R/o Plot No.74, Shakti Mata Nagar, Kharbi Chowk, Near Goswami Dairy, Nagpur, 440024

19. Shri Radheshyam s/o Shalikram Nimje, age : Major, Occ. Service, R/o Mahalaxmi Nagar, Manewada Road, Nagpur, 440024

20. Shri Pradeep s/o Wamanrao Dakhole, age : Major, Occ. Service, R/o Near Sai Mandir, Ayodhya Nagar, Nagpur, 440024

21. Shri Rajkumar s/o Tukaram Kanathe, age : Major, Occ. Service, R/o Tiranga Chowk, Behind Sangam Talkies, Aditi Apartment, Nagpur, 440009

22. Shri Rajendra s/o Pilaji Thakare, age : Major, Occ. Service R/o Ramana Maroti Road, Ramana Maroti Nagar, Nagpur, 440009

23. Shri Vitthal s/o Shravanji Kshirsagar, age : Major, Occ. Service R/o Near Ganesh Mandir, Sangarsha Chandmari Nagar, Nagpur, 440009

24. Shri Dattatraya s/o Deveshchandra Dahake, age : Major, Occ. Service R/o Near N.I.T. Garden, Manewada Ring Road, Naik Nagar, Nagpur, 440027

25. Shri Dhanraj s/o Sitaram Mendhekar, age : Major, Occ. Service (Also Member for 2022-23 to 2026-27) R/o Chinteshwar Mandir, Telepura, Rampeth, Nagpur, 440008

26. Shri Gautam s/o Gopichand Patil age : Major, Occ. Service R/o Shri Nagar Society, Ayodhya Nagar, Nagpur, 440024.

27. Shri Raju Pamaji Bhivgade age : Major, Occ. Service R/o Modern Town, Behind Lakhani Hall, Indora, Nagpur, 440004

28. Sau. Pratitha W/o Dhansingh Siria age : Major, Occ. Service R/o Gokulpeth Bazar Road, Gokulpeth, Nagpur, 440010

29. Sau. Kalpana w/o Dhirendra Chahande age : Major, Occ. Service R/o Near Dr. Ambedkar Statue, Barse Nagar, Nagpur, 440010

30. Shri Sushil s/o Chaganlal Yadav, age : Major, Occ. Service, R/o L.I.G. Quarters, Near Tukdoji Statue In Front of Super Hospital, Nagpur, 440027

    Office Address All Respondents No. 10 to 30 at Nagpur Mahanagar Palika Karmachari Sahakari Bank Ltd. (Head Quarter) Mahal Nagpur

    (Chief Executive Officers of Nagpur Mahanagar Palika Karmachari Co-operative Bank Ltd. Nagpur for the period 2014-15 to 2020-21)

31. Shri S. P. Jivtode, Incharge
    age : Major, Occ. Service
    Chief Executive Officer from
    01/10/2021 to 31/07/2021
    R/o. Nagpur Mahanagar Palika
    Karmachari Sahakari Bank Ltd.
    (Head Quarter) Mahal Nagpur

32. Shri Satish D. Shende,
    age : Major, Occ. Service
    In charge Chief Executive Officer
    from 01/08/2021 to 10/10/2021
    R/o. Nagpur Mahanagar Palika
    Karmachari Sahakari Bank Ltd.,
    (Head Quarter) Mahal Nagpur

33. Mr. Manish K. Bodkhe,
    age : Major, Occ. Service,
    Chief Executive Officer,
    from 11/10/2021 till date.,
    R/o. Nagpur Mahanagar Palika
    Karmachari Sahakari Bank Ltd.,
    (Head Quarter) Mahal Nagpur

34. Shri Ram s/o Krishnarao Muthal,
    aged : Major, Occ. Service Branch
    Manager, Nandanvan Branch Officers
    of the Bank From 08/07/2017 to
    31/08/2018
    R/o. Nagpur Mahanagar Palika
    Karmachari Sahakari Bank Ltd.,
    Nandanvan Branch, Nagpur

35. Shri Dinkar B. Akotkar
    age : Major, Occ. Service
    From 17/6/2020 to 22/07/2021
    R/o. at Nandavan Branch and From
    23/07/2021 to 29/01/2022 at
    Pachpaoli Branch
    R/o. Nagpur Mahanagar Palika
    Karmachari Sahakari Bank Ltd.,
    Nandanvan Branch, Nagpur

36. Shri Mohd. Sharik A. Rahman,
    age : Major, Occ. Service
    From 23/07/2021 to 29/01/2022 at
    Nandavan Branch and From
    19/06/2020 to 23/07/2021 at

Pachpaoli Branch, and from
30/12/2019 to 19/06/2020 at Gandhi
Nagar Branch,
R/o. Nagpur Mahanagar Palika
Karmachari Sahakari Bank Ltd.,
Nandanvan Branch, Nagpur

37. Shri Yadavrao A. Shete,
age : Major, Occ. Service,
R/o.Pachpaoli Branch Officers of the Bank,
From 30/06/2017 to 08/04/2018 at
Pachapaoli Branch and From
15/06/2019 to 30/12/2019 at Gandhi
Nagar Branch
R/o. Nagpur Mahanagar Palika
Karmachari Sahakari Bank Ltd.,
Nandanvan Branch, Nagpur

38. Smt. Archana Nagdeve,
age : Major, Occ. Service

From 09/04/2018 to 18/06/2020 at
Pachpaoli Branch and From
19/06/2020 to 09/11/2021 at Gandhi
Nagar Branch
R/o. Nagpur Mahanagar Palika
Karmachari Sahakari Bank Ltd.,
Nandanvan Branch, Nagpur

39. Shri Chandrashekhar V. Mahatpure,
age : Major, Occ. Service
From 28/09/2017 to 31/05/2019,
(Gandhi Nagar Branch Officers)
Chief Executive Officers of Nagpur
Mahanagar Palika Karmachari Co-operative Bank Ltd. Nagpur for the
period 2022-23 to 2026-27
R/o. Nagpur Mahanagar Palika
Karmachari Co-operative Bank Ltd.,
Nagpur

40. Shri Babarao s/o Bapurao Shrikhande
age : Major, Occ. Service
R/o New Nandanvan, Trimurti Nagar,
Nagpur, 440022

41. Shri Pravin S/o Shamrao Tantarpale
age : Major, Occ. Service
R/o Plot No. 49 Dwarkapuri,
Rameshawari, Nagpur, 440027

42. Shri Praful s/o Padmakar Tingane
age : Major, Occ. Service
R/o Lalganj, Raut Chowk, Itwari,
Nagpur, 440002

43. Smt. Meena w/o Anilrao Meshram
age : Major, Occ. Service
R/o Dr. Ambedkar Chowk, Kalamna
Road, Nagpur, 440008

44. Shri Yogesh s/o Maroti Borkar
age : Major, Occ. Service
R/o Near Ummaiya Shankar School,
Rampeth, Queta Colony, Nagpur
440008

45. Shri Anand s/o Rameshrao Borkar
age : Major, Occ. Service
R/o Juni Mangalwari, Quarter No.
104, Gangabai Ghat, Nagpur, 440008

46. Shri Vasant s/o Gopichandji Patil,
age : Major, Occ. Service
R/o Gangabai Ghat, Shivaji Nagar,
Nagpur, 440008

47. Shri Govinda s/o Sidheshwarji Dawle
age : Major, Occ. Service
R/o Ayodhya Nagar, Behind Bus Stop,
Ayodhya Nagar, Nagpur, 440015

48. Shri Vikas s/o Laxmanrao Sarode
age : Major, Occ. Service

49. Shri Baliram s/o Jagoji Shende,
age : Major, Occ. Service
R/o Juni Kamptee, Goregaon, Tal.
Parshevni, 441001

50. Shri Satyendra s/o Manoharrao Patil,
age : Major, Occ. Service
R/o Kelibagh Road, Mahal, Nagpur,
440032

51. Shri Anil s/o Raghunathrao Baraskar,
age : Major, Occ. Service
R/o Shantiniketan Colony, Pratap
Nagar, Nagpur, 440022

52. Shri Hemraj Akrudji Shindekar,
age : Major, Occ. Service
R/o Plot No. 22 Diamond Nagar,
Near Jyoti Primary School,
Nagpur, 440024

53. Smt. Shital w/o Sanjayrao
Jambhulkar age : Major, Occ. Service
R/o Plot No.332 Yadav Nagar,
Nagpur, 440017

54. Smt. Kamal w/o Madhavrao
Ghodmare age : Major, Occ. Service
R/o Near Hindi Primary School,
Prem Nagar, Nagpur, 440002

55. Shri Prashant s/o Pundlikrao Dudur
age : Major, Occ. Service
R/o Plot No. 31, A Shivnagar
Nandanvan, Nagpur, 440017

56. Shri Gajanan s/o Uttamrao Jadhav,
age : Major, Occ. Service.
R/o Juna Subhedar, Sharda Chowk,
Nagpur, 440024

57. Mr. Vilas Gadewar,
The internal Auditor Of NMC Bank,-
(Through its Company Vilas Gadewar
and Co. Charted accountants),
age : Major, Occ. Service
R/o Plot No. 14 A, Khamla Road,
Near Hanuman Mandir, Deo Nagar,
Nagpur, 440015

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Mr. S. P. Kshirsagar, Advocate for Petitioner.

Mr. M. J. Khan, A.G.P. for respondent Nos.1 to 3 and 5.

Mr. M. V. Samarth, Senior Advocate, assisted by Mr. P. S. Tidke, Advocate for Respondent No.4.

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**CORAM : AVINASH G. GHAROTE AND ABHAY J. MANTRI, JJ.**

**RESERVED ON : NOVEMBER 21, 2024**

**PRONOUNCED ON : FEBRUARY 06, 2025**

**JUDGMENT** (Per : Abhay J. Mantri, J.)

**Rule.** Rule made returnable forthwith. Heard finally, by consent of the learned counsel, appearing for the parties.

**(2)** The petitioner has invoked the writ jurisdiction of this Court and prayed to take cognizance of this matter and direct respondents No.1 to 3 to take suitable action against the respondents, who are involved in the disbursement of the loan by respondent No.4 Bank and recovery of the loan amount from the employees of the Nagpur Municipal Corporation (for short 'NMC') / members of the said Bank in respect of fictitious loan issued by the said Bank.

**(3)** It is also alleged that respondent No.4 Bank has issued a fictitious loan in the name of the employees of the NMC for purchasing computers for personal use. Those loans were fraudulent, and no computers were delivered by respondent Nos.7 to 9 to any of the employees of the NMC/members of respondent No.4 Bank. However, the said transaction was treated as fictitious. The respondent No.4 Bank's money was temporarily used for the benefit of respondent Nos.7 to 9 firms. It is, therefore, claimed that respondent No.4 Bank has acted for the benefit of respondent Nos.7 to 9 firms; thus, this petition is moved to conduct a detailed enquiry.

**(4)** It is also prayed that respondent No.5 – Additional Tax Commissioner – GST, Nagpur, be directed to submit the report taken action against the delinquent persons in accordance with the law.

**(5)** The petitioner, who is an employee of NMC and has bank account with the Mahanagar Palika Karmachari Co-operative Bank Ltd. (for short- the '*Bank*') has filed this proceeding for taking cognizance in public interest on the ground that despite various complaints being made to respondent Nos.1 to 3, no steps have been taken by them against the Officers of the Bank in the matter of sanctioning of fictitious loans and other alleged irregularities. Since the petitioner himself has his bank account with the aforesaid Bank, this Court, by order dated 16/03/2023, was not inclined to take cognizance of the proceeding in the public interest; however, by order dated 11/10/2023 directed that the proceeding be registered as a writ petition under Article 226 of the Constitution of India.

**(6)** The petitioner claimed that respondent No.4 Bank has indulged in the irregularities and lakhs and crores of rupees involved in the said irregularities. Therefore, he made the complaint with respondents No.1 to 3, but they did not take any action against the said Bank and the persons involved in the said irregularities. In fact, the Bank is constituted for the welfare of NMC employees and gives them banking assistance. The petitioner learnt that the computer loan was disbursed by respondent No.4 Bank without following the due procedure as contemplated under the law. The *modus operandi* for disbursement of such loan was that the Bank obtained the quotations from the various companies, and in the present case, respondent Nos.7 to 9, after verifying the said documents of the companies, the Bank had disbursed the loan in favour of the employees.

**(7)** The respondents, Nos.7 to 9, have given their quotations for selling computers in favour of the members of the respondent's bank on loan. Respondents No. 7 to 9 companies joined together with the intention to grab the orders for selling the computers to the members of the said Bank. Actually, the companies were not in existence. The said companies obtained GST numbers, and within a year, the companies closed down. Thereafter, the transactions of the sale of computers were alleged to be made by the said companies. Thus, respondent No.4 Bank disbursed the loans without verifying whether the said companies sold the computers in favour of the beneficiaries, i.e., employees of the NMC. The documents pertaining to respondents No.7 to 9 companies were false and fraudulent, and at no point in time was any computer supplied by them to the members of the Bank. Thereby, for the benefit of respondents No.7 to 9, the Bank has disbursed the loan amount to the employees. So, he made a complaint with the various authorities.

**(8)** Pursuant to his complaint, the Authority has been directed to conduct a special audit of the Bank through a Special Auditor (respondent No.6) and was directed to take suitable action against the delinquent persons according to law. On 18/04/2022, the Special Auditor submitted his report to respondent No.2, stating that criminal offences can be registered as per the directions of the authority. However, he feels that although there is an irregularity and all the debtors/members have repaid the loan amount, it may not be possible to register the offence against those delinquent persons. Therefore, he sought permission from respondent No.2, Divisional Joint Registrar (Audit), Co-operative Societies, Nagpur.

**(9)** It is further alleged that the report demonstrates explicitly that the loan was disbursed for purchasing the computers. However, bills for computers, as well as payment of GST, were produced on record and issued by respondent Nos.7 to 9 companies. In fact, respondents Nos.7 to 9 never paid the GST amount to the GST Department. It is, therefore, submitted that even temporary embezzlement of the amount of respondent No.4 Bank would entail the legal consequences of causing fraud, malpractice, and cheating. Thus, action is required against such Bank employees.

**(10)** He has also produced a chart of the payment and disbursement of loans to the employees. Thus, he submitted that even after the various representations he made to the different authorities, they have not taken any action except for the appointment of a Special Auditor. Therefore, he urged for the initiating of appropriate action against them, as well as recovery of the SGST and CGST amount from the concerned and fraudulent persons. Hence, this petition.

**(11)** Respondent No.4 Bank resisted the petition on the ground that the loan was disbursed to the members of the Bank to purchase the computers based on the quotations. The installments of the loan amount were deducted from the salary of the members and deposited in the respective loan accounts, the loan being a secured loan. It was disbursed based on the quotation and request made by the members/shareholders of the said Bank; as such, the quotations and receipt are enough for the disbursement of the small loan. All the quotations have GST numbers; therefore, the question of verifying whether GST is actually being paid does not arise within the ambit of respondent No.4 Bank. However, it is contended that the loan amount has already been recovered from all the members, and their loan accounts are closed. GST Department had informed it that they had initiated action against respondents No.7 to 9 for recovering the tax amount; respondent No.4 Bank has also initiated the action by issuing show-cause notices against the employees who have committed fraud and misrepresentation while disbursing the loan and also initiated penal action against those employees by stopping their one increment.

Therefore, it urged for the dismissal of the petition.

**(12)** Respondent No.5 also opposes the petition on the ground that they have conducted a detailed investigation, and it was revealed that respondents No.7 to 9 never ran any business from the given place of business available with the GST Department. Therefore, it has cancelled the Registration Certificate of respondent Nos.7 to 9. Respondents No.7 to 9 were found to be not in existence and not genuine. The proprietors of respondents No.7 to 9 were summoned, and their statements were recorded. They have cancelled the Registration Certificate of respondent No.9 and are in the process of cancelling the Registration Certificate of respondents Nos.7 and 8.

**(13)** Learned counsel Mr. Kshirsagar for the petitioner vehemently contended that respondent No.4 Bank acted for the benefit of respondent Nos.7 to 9 without verifying the documents of the companies, as well as the receipt issued by them and the fact of purchase of computers by the employees of the NMC, disbursed the loan to the employees and thereby committed fraud. During the argument, he tried to point out the account statements of the borrowers, the appointment of the auditor to conduct the audit report of the bank, the audit report of the auditor, and other documents. He further canvassed that the audit report itself demonstrates that irregularities have been committed by the Bank while disbursing the loan, as it was based on forged quotations, vouchers and receipts. The said fact according to him shows that sufficient material is brought on record to initiate action against the defaulters or those who violate the law or are liable to commit fraud. Therefore, he urged for allowing the petition.

**(14)** *Per contra*, the learned Assistant Government Pleader Mr. Khan, appearing for respondents Nos.1 to 3 and 5, vehemently argued that respondent No.5 had initiated the action as per the Rules. They have already cancelled the Registration Certificate of respondent No.9 and also initiated action to cancel the Registration Certificate of respondent Nos.7 and 8. Therefore, they have done their job and also commenced action to recover the GST amount from the concerned companies.

**(15)** Similarly, learned Senior Counsel Mr. Samarth, appearing for respondent No.4 Bank, strenuously contended that respondent No.4 has not committed any illegality or fraud, but the Bank has granted loans to its members to purchase computers based on quotations and the loan amount was deducted from their salary. It is not the duty of the Bank to verify whether the GST number on the said quotation was genuine or not. They have disbursed the loan and recovered the same from the members; no dues for the said loan are pending against the members. He further argued that the Bank had initiated action against the employees responsible for the alleged loan's disbursement. He has also drawn our attention to the issuance of the show-cause notice to the employees and awarding punishment to them by stopping one increment. Lastly, he submitted that the petitioner has no locus standi to file this petition as his rights are not affected, nor has he suffered any legal injury.

**(16)** We have appreciated the rival contentions of the learned Counsel for the parties and have perused the record.

**(17)** Before dealing with the facts of the case, we would like to mention that it is a settled legal proposition that a stranger cannot be permitted to meddle in any proceeding unless he satisfies the authority/court that he has suffered from legal injury. Only a person who has suffered legal injury can challenge the act/action/order, etc., in a court of law. A writ petition under Article 226 of the Constitution is maintainable either to enforce a fundamental, statutory or legal right or when there is a complaint by the applicant that there has been a breach of statutory duty on the part of the authorities. Therefore, a judicially enforceable right must be available for enforcement, based on which writ jurisdiction is resorted to. The Court can, of course, enforce the performance of a statutory duty by a public body, using its writ jurisdiction at the behest of a person, provided that such person satisfies the Court that he has a legal right to insist on such performance. The condition precedent is to have such a right to invoke the writ jurisdiction. It is implicit in the exercise of such extraordinary jurisdiction that the relief prayed for must be one to enforce a legal right. The existence of such a right is the foundation of the exercise of the said jurisdiction by the Court. The legal right that can be enforced must ordinarily be the right of the applicant himself, who complains of infraction of such right and approaches the Court for relief as regards the same.

**(18)** It is also a settled position of law that a legal right means an entitlement out of legal rules. Thus, it may be defined as an advantage or a benefit conferred upon a person by the rule of law. The expression 'person aggrieved' does not include a person who suffers from a psychological or an imaginary injury; a person aggrieved must, therefore, necessarily be one whose right or interest has been adversely affected or jeopardised.

**(19)** Similarly, a person who suffers from legal injury can only challenge the act or omission; there may be some harm or loss that may not be wrongful in the eyes of the law. In view of the above settled legal position of law, we have to ascertain "*whether the petitioner can be termed as an 'aggrieved person' or if his rights or interest has been adversely affected or jeopardised,*" so that he has the right to file this petition to claim the relief as prayed.

**(20)** Thus, it is imperative for the petitioner to establish that he has been deprived of or denied any legal right or suffered any legal injury to protect the interest. In case he has no legal peg for a justifiable claim to hang on, he cannot be heard as a party in a lis. A fanciful or sentimental grievance may not be sufficient to confer locus standi to sue upon the individual. There must be an injuria or a legal grievance that can be appreciated and not a stat pro ratione voluntas reason, i.e., a claim devoid of reasons. Likewise, a person cannot be heard as a party unless he answers the description of an aggrieved party.

**(21)** In ***Ayyaubkhan Noorkhan Pathan vs. State of Maharashtra and others (2013) 4 Supreme Court Cases 465***, the issue of locus standi was considered in the light of who can be said to be an '***aggrieved party***' by the Hon'ble Apex Court in following words:-

> *“**09. It is a settled legal proposition that a stranger cannot be permitted to meddle in any proceeding unless he satisfies the Authority/Court that he falls within the category of aggrieved persons.** Only a person who has suffered or suffers from legal injury can challenge the act/action/order, etc., in a court of law. A writ petition under Article 226 of the Constitution is maintainable either for the purpose of enforcing a statutory or legal right or when there is a complaint by the appellant that there has been a breach of statutory duty on the part of the Authorities. Therefore, there must be a judicially enforceable right available for enforcement, on the basis of which writ jurisdiction is resorted to. The Court can, of course, enforce the performance of a statutory duty by a public body, using its writ jurisdiction at the behest of a person, provided that such person satisfies the Court that he has a legal right to insist on such performance. The existence of such right is a condition precedent for invoking the writ jurisdiction of the courts. It is implicit in the exercise of such extraordinary jurisdiction that, the relief prayed for must be one to enforce a legal right. In fact, the existence of such a right is the foundation of the exercise of the said jurisdiction by the Court. The legal right that can be enforced must ordinarily be the right of the appellant himself, who complains of infraction of such right and approaches the Court for relief as regards the same. [ Vide: State of Orissa v. Madan Gopal Rungta, AIR 1952 SC 12; Saghir Ahmad & Anr. v. State of U.P., AIR 1954 SC 728; Calcutta Gas Company (Proprietary) Ltd. v. State of West Bengal & Ors., AIR 1962 SC 1044; Rajendra Singh v. State of*

*Madhya Pradesh, AIR 1996 SC 2736; and Tamilnad Mercantile Bank Shareholders Welfare Association (2) v. S.C. Sekar & Ors., (2009) 2 SCC 784 ].*

***10.*** *A "**legal right**" means an entitlement arising out of legal rules. Thus, it may be defined as an advantage or a benefit conferred upon a person by the rule of law. The expression "person aggrieved" does not include a person who suffers from a psychological or an imaginary injury; a person aggrieved must, therefore, necessarily be one whose right or interest has been adversely affected or jeopardised. [ Vide: Shanti Kumar R. Chanji v. Home Insurance Co. of New York, AIR 1974 SC 1719; and State of Rajasthan & Ors. v. Union of India & Ors., AIR 1977 SC 1361 ].*

***14.*** *This Court has consistently cautioned the courts against entertaining public interest litigation filed by unscrupulous persons, as such meddlers do not hesitate to abuse the process of the court. The right of effective access to justice, which has emerged with the new social rights regime, must be used to serve basic human rights, which purport to guarantee legal rights and, therefore, a workable remedy within the framework of the judicial system must be provided. Whenever any public interest is invoked, the court must examine the case to ensure that there is, in fact, genuine public interest involved. The court must maintain strict vigilance to ensure that there is no abuse of the process of court and that "ordinarily meddlesome bystanders are not granted a Visa". Many societal pollutants create new problems of non-redressed grievances, and the court should make an earnest endeavour to take up those cases where the subjective purpose of the lis justifies the need for it. [ Vide : P.S.R. Sadhanantham v. Arunachalam & Anr., AIR 1980 SC 856; Dalip Singh v. State of U.P. & Ors., (2010) 2 SCC 114; State of Uttaranchal v. Balwant Singh Chaufal & Ors., (2010) 3 SCC 402; and Amar Singh v. Union of India & Ors., (2011) 7 SCC 69 ]*

***17.*** *In view of the above, **the law on the said point can be summarised to the effect that a person who raises a grievance must show how he has suffered legal injury**. Generally, a stranger having no right whatsoever to any post or property cannot be permitted to intervene in the affairs of others."*

**(22)** In light of the above legal proposition, a person who raises a grievance must show how he has suffered legal injury. However, we find that the petitioner has brought nothing on record to show that his right or interest has been adversely affected or jeopardised by the so-called irregularities committed by respondent No.4 Bank; or that either he has been deprived of or denied a legal right, or similarly, he has sustained an injury to any legally protected interest. Even assuming that if he suffers from psychological or imaginary injury, in those circumstances also, he cannot be termed as a person aggrieved. So also, the petitioner failed to demonstrate that he has a judicially enforceable right to claim the relief as prayed in the writ jurisdiction. Likewise, he failed to show that he has a legal right to insist on such a performance. Besides, in light of the above proposition, we find that he has said nothing in the petition as to how he is an aggrieved person by the acts of the respondent authorities and thus acquired the locus.

**(23)** Even presuming otherwise, the third party, in case it feels that any statutory provision has been violated or there is something amiss in a decision having been rendered, its role would be limited to the same being brought to the notice of the concerned authority, who is empowered to rectify the same. The matter cannot be converted to an adversarial litigation on that count. The role of the petitioner would thus end at the stage of the having brought his grievance to the respondent authorities, and they have taken cognizance thereof.

**(24)** In the case in hand, the petitioner has raised a grievance or made a complaint with the authorities, i.e. respondent Nos.1 to 3 and 5. It also appears that respondents No.1 to 3, pursuant to the complaint, initiated action, appointed a Special Auditor and conducted the special audit. Likewise, respondent No.5 GST Department initiated action and cancelled the Registration Certificate of respondent No.9. It also initiated action to cancel the Registration Certificate of respondent Nos.7 and 8. Thus, it appears that the petitioner's role would end when he brings his grievance to the notice of the said authorities.

**(25)** Thus, the petitioner failed to demonstrate that his legal rights have been infringed or due to the act of respondent authorities, he has been adversely affected or jeopardised to term him as an aggrieved person.

**(26)** It also appears from the record that respondent No.4 Bank has disbursed the loan amount to its members, and the same was recovered from them; therefore, as of today, no loan is due or pending against the members of the Bank. It also appears that some irregularities have occurred while disbursing the said loan, and for that purpose, respondents No.1 to 3 and 5 have initiated action pursuant to the said complaint and cancelled the Registration Certificate of respondent Nos.7 to 9 companies and Bank authorities have also issued show-cause notices to its employees as well as taken penal action by stopping their one increment. In such an eventuality, the petitioner's role would thus end at that stage as he has brought his grievance to the notice of the respondent authorities.

**(27)** Having regard to the above discussion, it is evident that the petitioner though filed this petition claiming the relief as prayed but failed to show that he suffered from legal injury or that his statutory legal right had been violated by the part of the respondents or he has the legal right to insist the performance of any act by the authorities. The petitioner thus failed to satisfy us that he has a legal right and he, being the aggrieved person, is entitled to invoke the writ jurisdiction.

**(28)** In view of the position as culled out supra and the law as indicated above, we are of the considered opinion that the petitioner has failed to make out a case that he has locus to invoke the jurisdiction of this Court for the relief as claimed. Hence, the petition being bereft of merit stands dismissed on that ground itself. No costs.

**(29)** Rule is discharged.

**[ ABHAY J. MANTRI, J.]** **[ AVINASH G. GHAROTE, J.]**

KOLHE