



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 18 OF 2024

Nilesh Chandrakant Kamble } **Petitioner**
Versus
MMRDA Govt of Maharashtra }
& Ors. } **Respondent**

Ms. Indira Labde for the petitioner.

Mr. Akshay Shinde for respondents 1 and 2.

Ms. Prachi Tatake, Additional Government
Pleader with Ms. Nazia Sheikh, AGP for
respondent 3 (State).

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE: 23rd APRIL 2024

P.C.:

1. Heard Ms. Labde, learned counsel for the petitioner, Mr. Shinde, learned counsel for respondents 1 and 2 and Ms. Tatake, learned Additional Government Pleader, for State.

2. It is unfortunate that we are called upon to adjudicate the issues raised in this petition purportedly filed in public interest, though the petition apparently has been filed with oblique motives. While describing the particulars of the petitioner, in para 2 of the petition, it has been stated that, "*the petitioner is a Indian citizen and social worker and is engaged in similar business as mentioned in the tender and hence is aggrieved by the clause no. (1) sub-clause (vi)(e) of the subject tender*".

3. It has been stated by learned counsel for the petitioner that the instant writ petition in public interest has been filed by the petitioner for the reason that on account of the impugned tender conditions, some of the contractors are not able to participate in the tender process in relation to the subject tender.

4. In our jurisprudence there has been a phenomenal rise of the PIL petitions being filed before the superior Courts. The Rule of locus has been relaxed permitting any member of the society or an organization to file a petition in the interest of general public, for espousing the cause especially of those who, for some or the other reason, are in a disadvantageous situation, the reason may be poverty, illiteracy or their social status. However, permitting a contractor to file a PIL petition challenging the conditions of a tender, in our opinion, is nothing but a sheer abuse of process of Court and an effort to pollute the purity of the stream of public interest litigation. The petitioner has himself stated in the petition that he is engaged in the similar business as mentioned in the subject tender. Accordingly, this petition cannot be permitted to be entertained as a PIL petition.

5. Hon'ble Supreme Court, while tracing the historical evolution of jurisprudence surrounding PILs in the case of ***State of Uttaranchal vs. Balwant Singh Chauhal***¹ has clearly observed that on one hand it should be the endeavour of the Courts to encourage PIL petitions provided such petitions intend to espouse some cause in public interest, however, at the same time, while expressing a caution, it has been ruled by Hon'ble

1 AIR 2010 SC 2550

Supreme Court that frivolous PIL petitions, which intend to plead personal or any other extraneous cause should be discouraged and such PIL petitions should be nipped in the bud.

6. It is also to be noticed that on one hand this petitioner intends to espouse public cause and on the other hand, the petitioner himself states that he is engaged in similar business and accordingly, it is explicit that the proceedings of this writ petition have been instituted for pursuing personal and extraneous cause and not a public cause. In para 4 of the petition, while making declaration and undertaking, the petitioner has stated that the present petition is being filed as a last resort by way of the PIL petition and that the petitioner does not have any personal interest in the matter. Such statement, if seen juxtaposed with the particulars of the petitioner, as disclosed by him in this PIL petition itself, is absolutely strange and simply dis-entitles the petitioner to seek any relief in this PIL petition.

7. For the reasons aforesaid, we have no hesitation to conclude that the instant PIL petition is nothing but a sheer abuse of the process of Court and law and hence, is liable to be dismissed with exemplary costs.

8. The PIL petition is, thus, hereby dismissed with costs of Rs.50,000/- (Rupees Fifty Thousand only) to be paid by the petitioner within four weeks from today to KEM Hospital, Mumbai. The details of the Bank Account are as under:

Bank Account of Hospital : Poor Box Charity Fund,
K.E.M. Hospital, Mumbai
Bank Account Number of : 99350100000877(S.B.)
Hospital

Bank : Bank of Baroda, Parel Branch

Address, Tel. No., Fax No. : Bank of Baroda, Madina
And e-mail of the Concerned Bank : Bank of Baroda, Madina
Manzil, 88, Dr. Ambedkar Road, Mumbai 400 012,
Maharashtra,
022-24713820,
dbpare@bankofbaroda.com

MICR Code Number : 400012246

IFSC Number : BARB0BBPARE (5TH Letter
is Zero)

PAN : AAATK3087D

Type of Account : Saving Account

9. The petitioner, after depositing the costs as aforesaid, shall furnish receipt thereof to the Prothonotary and Senior Master of this Court within next two weeks.

10. In case the petitioner fails to deposit the costs, the Collector concerned shall realise the same as arrears of land revenue.

11. The matter shall be posted on **18th June 2024** for reporting compliance.

JAYANT
VISHWANATH
SALUNKE

Digitally signed by
JAYANT VISHWANATH
SALUNKE
Date: 2024.04.23
18:06:37 +0530

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)