

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

PIL-LD-VC-32/2020  
(ADHOC NO.WP-LD-VC-32/2020)

Abhinav Bharat Congress & Anr. .. Petitioners

vs.

State of Maharashtra And Ors. .. Respondents

Mr.Mohan Parasaran, Senior Advocate i/b Mr.Alochan Naik  
for the petitioner

Mr,P.P.Kakade, GP a/w Mr.M.M.Pabale, A.G.P for the State

Mr. A.Y. Sakhare, Senior Advocate a/w Ms. Madhuri More  
a/w Ms.Rupali Adhate a/w Mr.Rohan Mirpuri for the  
respondent Nos.2 & 3 - MCGM

Mr.Ganesh Gole for the respondent no.4

Mr.Rafique Dada, Senior Advocate a/w Mr.Rohan Kelkar,  
Mr.Abhay Jadeja, Mr.Varun Satiya a/w Mr.Arun  
Unnikrishnan i/b Crawford Bayley & Co. for respondent  
nos.5 and 6

**CORAM: DIPANKAR DATTA, CJ.  
K.K.TATED, J.**

**DATED : MAY 26, 2020**

**P.C.**

1. This PIL Petition is at the instance of an unregistered body and its founder.
2. An unregistered body has no locus standi to initiate a

proceeding in the nature of a Public Interest Litigation in terms of the Bombay High Court Public Interest Litigation Rules, 2010 (hereafter the "PIL Rules"). An objection has been raised by the Respondents to the maintainability of this PIL Petition, on this ground.

3. The objection is, no doubt, sound. However, it is not a sufficient ground to dismiss the PIL petition at this stage since the petitioner no.2, who claims himself to be a public spirited person, may have the locus standi in his individual capacity to carry on with this proceeding.
4. Significantly enough, by filing an affidavit in reply, the Respondent nos.5 and 6 have even objected to the locus standi of the Petitioner no.2 to maintain this proceeding. According to them, the Petitioner no.2, more than a decade back, was in the employment of one Mr. Wadia, who heads the Boards of Management of the Respondent nos.5 and 6 and that this PIL Petition, at the instance of the said Petitioner has been filed for furthering his personal venomous agenda. It has also been averred in such affidavit in reply that the Petitioner no.2 unsuccessfully initiated proceedings against the said Mr. Wadia in a court in the United States and that this proceeding is nothing but an abuse of the process of the court.
5. That the Petitioner no.2 was in the employment of Mr. Wadia at some point of time, has not been disclosed in

the PIL petition. Such an allegation has also not been rebutted in the rejoinder affidavit. This, coupled with omission of the Petitioner no.2 to specifically deal with the contents of paragraphs 4 to 10 of the affidavit in reply of the Respondent nos.5 and 6, prima facie, gives us reason to believe that this PIL Petition may not have been filed in public interest but for ulterior and oblique motives, and that the bona fide of the petitioner no.2 is suspect.

6. In that view of the matter, we consider it fit and proper to exercise the power conferred by Rule 7A of the PIL Rules and require the Petitioner no.2 to make a deposit of Rs.1 crore towards security by Thursday next if he wishes to have this PIL Petition to be further considered by us. In the event of failure of the petitioner no.2 to make the deposit as aforesaid, this PIL petition shall stand dismissed without reference to the Bench.
7. Should the necessary deposit be made, this PIL Petition shall be listed as the first matter on Friday next, May 29, 2020. Needless to observe, the deposit made shall be subject to further orders being made on this PIL Petition.
8. This order will be digitally signed by the Sr.Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

**K.K.TATED, J**

**CHIEF JUSTICE**