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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION (L)NO.22 OF 2018

Prakash Agarwal ...Petitioner
vs.
Nahar Builders Ltd. & Ors. ...Respondents

Mr.Prakash Agrawal the Petitioner in person
Mr.Parimal Shroff with Mr.D.V.Deokar with Mr.Subodh
Joshi with Mr.Pinakin Modi with Mr.Dhruvesh Parikh
i/b Parimal Shroff & Co. for the respondent Nos.1
and 2
Ms Geeta Joglekar for MMC.
Mr.L.T.Satelkar, AGP for the respondent No.7
Ms P. Thakur i/b M/s.F & F Associates for respondent
No.4

CORAM : A.S.OKA, &
RIYAZ.I.CHAGLA,JJ.
DATE : APRIL 18, 2018

P.C.:

1 The petitioner appearing in person states that he has filed this petition in terms of Rule 7 of Bombay High Court Public Interest Litigation Rules,2010. He reiterates that he has no personal interest in the subject matter of this petition and that he will incorporate a statement to that effect in the petition by carrying out amendment in terms of clause (d) of paragraph 5 of the said Rules. In fact, such leave to amend was granted to the petitioner on the last date but he has not chosen to avail of the said leave. In view of the request made by the petitioner appearing in person today, we extend the time to carry out amendment by a period of two weeks from today. If such amendment

incorporating a statement that the petitioner has no personal interest is not carried out within the extended period, the petition shall stand dismissed for non prosecution. The learned counsel for the contesting respondents invited our attention to the Writ Petition No.902 of 2018 filed by the petitioner. We find that filing of such petition has not been disclosed in this petition and the effect of the same and other preliminary objections raised will be considered on the next date.

2 The copies of the reports are submitted by the Committee appointed by this Court. The reports are taken on record which shall be kept in a separate file. The contention of the petitioner appearing in person is that the first respondent has committed a breach of the order passed in Public Interest Litigation No.125 of 2014 by carrying out certain activities. The Committee appointed by this Court is scheduled to make a site visit before the end of this month.

3 We direct that advance notice of the site visit shall be given to the petitioner as well as to all the concerned parties to the petition. At the time of the visit of the members of the Committee, it will be open for the petitioner to point out the breaches which are allegedly committed by the first respondent. While submitting the report, this aspect shall also be dealt with.

4 After the site visit, as per the orders passed

in the Public Interest Litigation No.125 of 2014, a copy of the report will have to be placed on record of the said Public Interest Litigation which has been disposed of. A copy of the report shall also be submitted on record of this petition. A copy of the report be also provided to the petitioner. Copies thereof be provided to the Advocates representing the respondents.

5 However, we make it clear that this order will not be construed to mean that we have made any adjudication on the preliminary objections regarding maintainability of this petition.

6 Place the petition on 8th June 2018 under the caption of 'Directions' for consideration of the reports.

(RIYAZ.I.CHAGLA,J.)

(A.S.OKA,J.)