



Jsn

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

PUBLIC INTEREST LITIGATION (L.) NO. 22 OF 2018

Prakash Agarwal

... Petitioner

Versus

Nahar Builders Limited & Ors.

... Respondents

Mr. Prakash Agarwal, Petitioner in person.

Dr. Milind Sathe, Senior Advocate, with Mr. Parimal K. Shroff, Mr. D.V. Deokar, Mr. Pinakin Modi and Mr. Dhruvesh Parikh i/b M/s Parimal K. Shroff & Co. for the Respondent Nos. 1 and 2.

Mr. L.T. Satekar, AGP for Respondent – State.

Ms. Vandana Mahadik, for Respondent – BMC.

**CORAM: A.S. OKA AND
RIYAZ I. CHAGLA, JJ.**

DATED: 26TH MARCH 2018.

PC:-

1. Heard Petitioner appearing in person. The learned Senior Counsel for the Respondent Nos. 1 and 2 raises an objection that the Petitioner has a personal interest and therefore, Public Interest Litigation is not maintainable at his instance.

2. As far as prayers (D), (F), (G), (L) and (M) are concerned, the same seek Writ of Mandamus against first to fourth Respondents. The first to fourth Respondents are not 'state' within the meaning of Article 12 of the Constitution of India. The Petitioner appearing in person, therefore, seeks leave to amend for deleting the said prayers and for incorporating appropriate

prayers. We grant leave to amend without prejudice to the objection of maintainability.

3. Our attention is invited to the order dated 27th September 2017 passed by the first Court in Notice of Motion No. 482 of 2016 in PIL No. 125 of 2014.

4. Place the Petition on next Wednesday i.e. 4th April 2018 under the caption of directions. We direct the Court Receiver or his representative to remain present before the Court and produce before the Court the reports submitted by Applicant in Notice of Motion 482 of 2016 and the reports, if any, submitted by the Committee appointed by under the order dated 27th September 2017. The Petitioner appearing in person shall serve an authenticated copy of this order to the office of the Court Receiver which shall act upon the same.

5. Amendment to be carried out within one week from the date on which the order is uploaded. Place the Petition under the caption of 'directions' on 4th April 2018.

(RIYAZ I. CHAGLA J.)

(A.S. OKA, J)