

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 28434 OF 2021

Abhilash Umesh Reddy ...Petitioner
Versus
Slum Rehabilitation Authority & Ors ...Respondents

Mr Subhradeep Banerjee, with Gyanprakash Pal, i/b Maharashtra
Law Juris, for the Petitioner.
Mr MA Sayed, AGP, for the State.
Mr Abhinav A Bhatkar, i/b Ajay S Patil, for Respondent No.1-SRA.
Ms Uma Sharma, i/b Dharam & Co, for Respondents Nos 4 & 5.

CORAM G.S. Patel &
S.G. Dige, JJ.
DATED: 9th January 2023

PC:-

1. This is a classic case of gross abuse of the process of this Court. The previous Bench noted that the Petitioner had no personal interest in the subject matter of the Petitioner and asked him to deposit an amount of Rs. three lakhs to show his bona fides. The Petitioner has done so.

2. But that deposit will not in itself establish the Petitioner's locus standi. Today, we are even less satisfied that (despite the deposit), the Petitioner has any locus to maintain such a Petition at

ARUN
RAMCHNDRA
SANKPAL

Digitally signed by
ARUN RAMCHNDRA
SANKPAL
Date: 2023.01.11
10:30:05 +0530

all. The Petitioner has no track record of public interest litigation or of espousing public causes in the larger public interest. The Petitioner has singled out one particular slum rehabilitation project, one developer, one slum society and the SRA. All kinds of allegations are made against these entities and even against individuals (not all of whom are joined). There are allegations of irregularities, illegalities, fraud and wrongdoing without any explanation as to how the Petitioner has come upon the information that is set out in the Petition from paragraphs 3.01 to 3.38. There are allegations of collusion, of conversion of one structure into two, assertions about surveys done, reference to civil proceedings in the City Civil Court at Dindoshi and so on, but without any mention as to how the Petitioner has come by this information. Importantly, the slum society — the beneficiaries of the slum rehabilitation project — have no complaint. It is unclear on whose behalf or for whose protection this Petition is filed.

3. We have every reason to doubt the bona fides of the Petitioner. This is not a Petition that raises any larger issue pertaining to slum rehabilitation projects generally or town and country planning or general principles of sound town planning.

4. There is a short Affidavit in Reply which states that the Petitioner claims to be an RTI activist but that there is a criminal complaints against him. If he is indeed an RTI activist, then the Petition ought to have at least mentioned that the information that is presented in the Petition is based on disclosures obtained under the RTI Act. Even that is missing.

5. We do not permit this Petition “to be converted” into a public interest litigation nor do we permit it to be withdrawn with the liberty to file a public interest litigation. As the Supreme Court has repeatedly said, false, mischievous and frivolous public interest litigations are increasingly the bane of our judicial system.

6. While we are rejecting the Petition but we intend to send a strong message to those who seek to abuse and misuse our system and believe they can do so without costs.

7. The Petition is rejected. The amount deposited by the Petitioner is imposed as costs. The Registry will transfer the entire amount and all accrued interest if any to the St Jude India ChildCare Centres, which supports cancer-affected children and their families. The amount is to be transferred online. The details of the remittance are as follows:

Name	:	St. Jude India ChildCare Centres
A/c No.	:	02402320004130
Bank Name	:	HDFC Bank Ltd.
Branch	:	Sandoz House, Dr AB Road, Worli, Mumbai 400 018
RTGS/IFSC/ NEFT Code:	:	HDFC0000240

(S. G. Dige, J)

(G. S. Patel, J)