



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

PUBLIC INTEREST LITIGATION NO. 28 OF 2021

Sandeep Badriprasad Agrawal

..Vs..

Union of India & Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms Radhika D. Raskar, Counsel for the petitioner.
Ms Meghna Munshi, Counsel for respondent no.1.
Mr. D.P. Thakre, Additional Government Pleader for respondent nos. 2 and 6/State.
Mr. A.C. Dharmadhikari with Ms S.S. Jachak, Counsel for respondent no.3.
Mr. S.K. Mishra, Senior Counsel with Mr. Kabir Jhamb and Mr. Raaj Sekhsaria, Counsel
for respondent no.4.
Mr. H.D. Dangre, Counsel for respondent no.5.

CORAM : SHREE CHANDRASHEKHAR, CJ. &

ANIL S. KILOR, J.

DATED : 20th APRIL 2026

Projecting this writ petition as a Public Interest Litigation, a person claiming himself as a social worker, has approached this Court for a declaration that 5th respondent – M/s. Haldiram Food International Limited is a BOT operator over the land bearing Khasra Nos. 9 and 11 of Mouza – Ambazari, and it is not entitled for compensation from 4th respondent – Maharashtra Metro Rail Corporation Limited (Mahametro). The petitioner, who states that he had been conducting various public awareness activities regarding evil of corruption, is seeking an enquiry by 3rd respondent – Nagpur Improvement Trust (NIT), and recovery of all amusements and electric equipments situated over the aforementioned property.

2] Ms Radhika D. Raskar, learned Counsel for the petitioner, submits that this is the bounded duty of every public authority to ensure that the public money is not distributed as charity. However, 5th respondent has been doled out huge public money under the

recommendation of a Committee, which was not validly constituted. The learned Counsel for the petitioner would, therefore, submit that there is a public cause, which has been espoused by the petitioner.

3] The Land Acquisition Act, 1894 is a self-contained Act. Whether 5th respondent – M/s. Haldiram Food International Limited is entitled for compensation towards acquisition of land cannot be a subject matter of a Public Interest Litigation. Similarly, the identity of 5th respondent – M/s. Haldiram Food International Limited, whether it is a BOT operator or not, cannot be decided by this Court in the present proceedings. There is an agreement executed between the NIT and 5th respondent – M/s. Haldiram Food International Limited on 4th September, 2002 vide Annexure – I, and the rights and liabilities of the parties must be adjudicated in terms thereof. The learned Counsel for the petitioner submits that it was at the instance of the petitioner that an order was passed by this Court in Public Interest Litigation No. 40/2011 on 15th January, 2014, and the present Public Interest Litigation is a sequel thereto. In the said Public Interest Litigation, two grievances were raised by the petitioner, *viz.*, unauthorized constructions by respondent no.2 and decision taken by NIT for charging additional premium. This Court, by order dated 15th January, 2014, observed that the Court cannot direct NIT to take a particular decision in a particular manner. As to unauthorized constructions, this Court took note of pending arbitration proceedings between the parties.

4] In the aforementioned factual background, it is easily seen that the rights and liabilities of the parties shall be regulated under the agreement dated 4th September, 2002. The same shall also be subject to determination before the Arbitral Tribunal or the Court. This Writ Petition, therefore, cannot be entertained at the instance of the petitioner, who is a stranger to the agreement dated 4th September, 2002. The petitioner is also not a party to the arbitration proceedings. Raising a bogey of public interest, the petitions like the present one consume

substantial valuable time of the Court. This has been the experience of the Courts that the petitions like this have often stalled projects of public importance. A Public Interest Litigation, which originated in the guiding thought that the voice of poor and downtrodden in the Society should not go unrepresented, has now been misused by the persons like the petitioner. There is no *bona fide* in this Public Interest Litigation. The Court gathers an impression, having regard to the material brought on record, that the present Public Interest Litigation was filed with oblique purpose.

5] The Public Interest Litigation is dismissed.

(ANIL S. KILOR, J.)

(CHIEF JUSTICE)

Sumit