



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 6 OF 2025

Yogesh Mangilal Mundhara

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

Mr. Kailas Deval i/by Yash Deval a/w Sham Thakur for petitioner.

Mr. O. A. Chandurkar, Addl. Govt. Pleader a/w Mrs. G. R. Raghuwanshi, AGP for respondent no.1-State.

**CORAM: ALOK ARADHE, CJ. &
BHARATI DANGRE, J.**

DATE: 5th FEBRUARY, 2025

ORDER (Per Chief Justice):

1. The petitioner claims to be a social activist. In this petition filed as Public Interest Litigation, the petitioner, *inter alia*, seeks a direction to respondent nos.1 to 4 to follow the procedure laid down by the Central Vigilance Commission (Public Procurement Manual) while awarding tenders/contracts in respect of collection and disposal of solid waste in the cities of Thane, Panvel and Navi Mumbai. The petitioner, in addition, seeks a direction that while awarding tenders in future for the purposes of collection and disposal of solid waste in the State, the guidelines for award of contract should be framed.

2. Respondent nos.2 to 4 are Municipal Corporations of Thane, Panvel and Navi Mumbai respectively and are established under the Maharashtra Municipal Corporations Act, 1949. The respondent nos. 2 to 4 have issued various tenders

for City Cleaning Services. Pursuant to the aforesaid notice inviting tender, several persons submitted their bids. Respondent nos.5, 6 and 7 have been held eligible to participate in the tender and all the three Municipal Corporations have granted the tender to respondent no.7.

3. In the aforesaid factual background, the petitioner has approached this Court by filing the Public Interest Litigation.

4. Learned counsel for the petitioner submits that the conditions incorporated in the notice inviting tender that competent authority has right to reject bid without assigning any reason is arbitrary and unfair. It is further submitted that a cartel has been formed by respondent nos. 5, 6 and 7 and, therefore, a monopoly has been created by them. It is, therefore, necessary to form uniform guidelines for grant of contract in Thane, Panvel and Navi Mumbai.

5. We have considered the submissions made by the learned counsel for the petitioner and have perused the record.

6. In **BALCO Employees' Union (Regd.) v. Union of India**¹, the Hon'ble Supreme Court has held that a public interest litigation must satisfy the following parameters:

- i. Where the persons belong to the disadvantaged sections of society (women, children, bonded labour, unorganised labour etc.).
- ii. Where judicial law making is necessary to avoid exploitation (inter-country adoption, the education of the children of the prostitutes).

¹ (2002) 2 SCC 333

- iii. Where the concerns underlying a petition are not individualist but are shared widely by a large number of people (bonded labour, under-trial prisoners, prison inmates).
- iv. Where judicial intervention is necessary for the protection of the sanctity of democratic institutions (independence of the judiciary, existence of grievances redressal forums).
- v. Where administrative decisions related to development are harmful to the environment and jeopardize people's right to natural resources such as air or water.

7. In **Ashok Kumar Pandey v. State of West Bengal**², it has been held by the Hon'ble Supreme Court that there has to be real and genuine public interest involved in the litigation and not merely an adventure of knight errant or poke ones nose into for a probe.

8. The aforesaid propositions have been once again reiterated by the Hon'ble Supreme Court in **State of Uttaranchal v. Balwant Singh Chaufal**³ and it was held that the Courts should *prima facie* be satisfied that substantial public interest is involved before entertaining the petition and the same involves larger public interest. The Court is also under an obligation to satisfy itself about the credentials of the person, who invokes the writ jurisdiction of this Court by way of a PIL. In paragraph 181 of the aforesaid decision, the following directions have been issued:

- (1) The Courts must encourage genuine and bona fide PIL and effectively discourage and curb the PIL filed for extraneous considerations.

² (2004) 3 SCC 349

³ (2010) 3 SCC 402

(2) Instead of every individual Judge devising his own procedure for dealing with the public interest litigation, it would be appropriate for each High Court to properly formulate rules for encouraging the genuine PIL and discouraging the PIL filed with oblique motives. Consequently, we request that the High Courts who have not yet framed the rules, should frame the rules within three months. The Registrar General of each High Court is directed to ensure that a copy of the rules prepared by the High Court is sent to the Secretary General of this Court immediately thereafter.

(3) The Courts should prima facie verify the credentials of the petitioner before entertaining a PIL.

(4) The Courts should be prima facie satisfied regarding the correctness of the contents of the petition before entertaining a PIL.

(5) The Courts should be fully satisfied that substantial public interest is involved before entertaining the petition.

(6) The Courts should ensure that the petition which involves larger public interest, gravity and urgency must be given priority over other petitions.

(7) The Courts before entertaining the PIL should ensure that the PIL is aimed at redressal of genuine public harm or public injury. The Court should also ensure that there is no personal gain, private motive or oblique motive behind filing the public interest litigation.

(8) The Courts should also ensure that the petitions filed by busybodies for extraneous and ulterior motives must be discouraged by imposing exemplary costs or by adopting similar novel methods to curb frivolous petitions and the petitions filed for extraneous considerations.

9. In **P. R. Naraharai Rao v. State of Kerala**⁴, it was held that the parameters for exercise of jurisdiction by the superior courts in public interest matters have been succinctly laid down in **Balwant Singh Chaufal** (supra).

10. Similar view was taken by the Hon'ble Supreme Court in **Ayaubkhan Noorkhan Pathan v. State of Maharashtra**⁵, holding that in a PIL, the Court must ensure that there is an element of genuine public interest involved.

11. The ratio laid down in **Balwant Singh Chaufal** (supra) was again reiterated in **Anirudh Kumar v. Municipal Corporation of Delhi**⁶.

12. Hon'ble Supreme Court in **Environment and Consumer Protection Foundation v. Union of India**⁷, in paragraphs 29 and 30 held as under:

29. ...Public interest litigation is brought before the court not for the purpose of enforcing the right of one individual against another as happens in the case of ordinary litigation, but it is intended to promote and vindicate public interest which demands that violations of constitutional or legal rights of large numbers of people who are poor, ignorant or in a socially or economically disadvantaged position should not go unnoticed and unredressed. That would be destructive of the rule of law which forms one of the essential elements of public interest in any democratic form of Government. Millions of persons belonging to the deprived and vulnerable sections of humanity are looking to the courts for improving their life conditions and making basic human rights meaningful for them. They have been crying for justice but their cries have

⁴ (2012) 12 SCC 451

⁵ (2013) 4 SCC 465

⁶ (2015) 7 SCC 779

⁷ (2017) 16 SCC 780

so far been in the wilderness. They have been suffering injustice silently with the patience of a rock, without the strength even to shed any tears.

30. The advantage of public interest litigation is not only to empower the economically weaker sections of society but also to empower those suffering from social disabilities that may not necessarily be of their making. The widows of Vrindavan (and indeed in other ashrams) quite clearly fall in this category of a socially disadvantaged class of our society.

13. In the backdrop of aforesaid well settled legal principle, the facts of the case in hand may be seen.

14. The petitioner, admittedly, has not submitted any bid in response to the notice inviting tender. It is not the case of the petitioner that other tenderers, who have been disqualified in the tenders issued by respondent nos.2, 3 and 4, belong to either disadvantaged section of society or unable to approach this Court on account of their illiteracy or poverty. It is trite law that action of respondent nos.2, 3 and 4 has to be reasonable, rational and fair and can be decided on the touchstone of Article 14 of the Constitution of India.

15. In our considered opinion there is no element of public interest involved in the instant PIL and, therefore, it must fail and is hereby dismissed.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)

Digitally
signed by
PRAVIN
DASHARATH
PANDIT
Date:
2025.02.06
19:10:38
+0530