

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (PIL) NO. 156 OF 2006

Shailesh Gandhi

..Petitioner

Versus

State of Maharashtra and others
Respondents

...

Petitioner-in-person present.

Mr. Ravi Kadam, Advocate General, with Mr. N.P. Pandit, Assistant Government Pleader, for the State.

WITH

SUO MOTU WRIT PETITION (PIL) NO. 6 OF 2007

Forum for improving Quality of Life in
Mumbai Suburbs through the Chairman and
Joint Secretary.

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)...Petitioners

Versus

The State of Maharashtra and others

... Respondents.

Mr. Narendra V. Walawalkar, Senior Advocate, *amicus curiae*.

Mr. Niranjan P. Pandit, Assistant Government Government Pleader, for respondent Nos. 1 and 3.

Mr. Ravi Kadam, Advocate General, with Mr. G.D. Uttangale, instructed by Uttangale & Co. for respondent No.2.

CORAM: H.L. GOKHALE, Ag. C.J., &
V.M. KANADE, J.

DATE: FEBRUARY 21, 2007.

P.C.

The first petition is filed by a public interested citizen drawing attention to various irregularities which have occurred in the SRA scheme. The prayer is to direct a criminal investigation and action against all concerned. The second petition is a *suo motu* petition where three citizens representing an organization have given a letter to the then Chief Justice and that letter has been treated as a PIL. This letter is also about the SRA scams. We have requested Mr. Walawalkar, Senior Advocate, to appear in the second matter to assist the court.

2. As far as the first petition i.e. Writ Petition (PIL) No. 156 of 2006 is concerned, the petitioner has filed one affidavit wherein he has annexed a list of some 86 complaints and, according to him, these are the complaints wherein proper investigation is required. Mr. Gandhi, petitioner-in-person, submits that the Government should not shirk its responsibility and, in fact, a high ranking Officer of the Police Department i.e. Director General, [A.C.B.](#), has recommended that a Special Investigation Team be appointed to look into this scam.

3. As against this submission of the petitioner-in-person, the State Government has taken a position that instead of directing such an investigation, under a policy decision of the Government taken way back in the year 1972, an inquiry be permitted to be conducted. The Government has appointed one Mr. B.K. Agrawal, retired I.A.S. Officer to look into these complaints. However, in view of this list of 86 complaints being tendered by Mr. Gandhi, we asked the learned Advocate General appearing for the State/SRA as to whether he will pinpoint some 10 major cases so that Mr. Agrawal can concentrate on those cases. He will hand over list of such 10 cases to Mr. Gandhi, petitioner-in-person and Mr. Walawalkar and on the next date appropriate directions would be passed with respect thereto. The list be furnished within one week. In our view, it will be desirable that a senior Police Officer also assists Mr. Agrawal in the investigation. The matter to stand over to 7th March, 2007.

ACTING CHIEF JUSTICE

V.M. KANADE, J.