

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

PUBLIC INTEREST LITIGATION NO.83 OF 2014

Dr.Ravipal Udhaorao Barahankar

-VS-

Municipal Council, Hinganghat

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.T. Rahul, counsel for the petitioner.
Mr.Anjan De, counsel for the respondent.

CORAM : SMT. VASANTI A. NAIK &
A.M.BADAR, JJ.

DATE : 06.05.2015.

By this public interest litigation, the petitioner, who claims to be a doctor, running a dispensary on a road from Gupta Futana Bhandar of Shriram Talkies Square to Fashion Sari Centre near Indira Gandhi Statue in Hinganghat, has sought a declaration that the area of footpath on the said road should be declared as no hawkers zone.

According to the petitioner, who has his dispensary located on the road which is sought to be declared as no hawkers zone, the hawkers are wrongfully blocking the footpath and the road by carrying on the business on the same. According to the petitioners, the illegal encroachment by hawkers is resulting in serious difficulties to the public and the pedestrians, who are required to pass the way.

Shri De, the learned counsel for the respondent, states that most of the encroachments on the concerned road and footpath have been removed. It is stated that though it is the responsibility of the P.W.D. to remove the encroachments on the footpath, the respondent has taken action against the

encroachers and has removed the hawkers from the said road. The learned counsel has tendered some photographs in the Court, for perusal. It is also stated that steps would be taken by the respondent to ensure that the footpath and the road is not encroached by the hawkers in future.

On a perusal of the photographs that are tendered by the learned counsel for the respondent in the Court today, it appears that the way to the dispensary of the petitioner is not blocked by the hawkers and encroachers. It appears that there are no encroachment in front of the dispensary of the petitioner and the nearby shops. There is a vast difference between the photographs annexed by the petitioner to the petition and the recent photographs tendered by the respondent in the Court. We find that suitable action has been taken by the respondent to ensure that the road is free from encroachment.

Hence, by accepting the statement made on behalf of the respondent, we dispose of the public interest litigation with no order as to costs.

JUDGE

JUDGE