

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

PUBLIC INTEREST LITIGATION NO.51/2014

Advocate Abhay s/o Arun Chavan

...Versus...

State of Maharashtra, through its Secretary, Ministry of Urban Development
Department, Mantralaya, Mumbai – 32 and others

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

Court's or Judge's orders

Shri G.S. Lahoti, Advocate for petitioner
Shri S.M. Ghodeswar, AGP for respondent nos.1 to 4
Mrs. P.S. Chaudhari, Adv. h/f Shri A. Sambre, Adv. for respondent no.5
Shri N.B. Kalwaghe, Advocate for respondent no.6
Shri R.G. Kavimandan, Advocate for respondent no.8

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

DATE : 27.03.2015

By this petition, which is registered as Public Interest Litigation, the petitioner seeks a direction to the respondents to remove the encroachments on all roads in Buldhana city and on Malkapur-Buldhana-Chikhali road. The petitioner also seeks a direction to the respondents to ensure that the roads in the Municipal area and the Grampanchayat area are properly lighted.

On a perusal of the number of photographs that are tendered by the learned Counsel for the petitioner in the Court today, we do not find that the encroachments, if any, on the road side may cause hindrance or obstacle to the free flow of traffic at Malkapur-Buldhana-Chikhali road. The vendors appear to have their stalls on the extreme end of the road that appears to be beyond, the area which is not tarred.

A statement is, however, made by the learned Counsel for the respondent no.5 – Municipal Council that the Municipal Council is taking appropriate action against the encroachers for removal of encroachments. It is further stated that the respondent nos.7 and 8 were awarded contract of lighting the roads and it is their responsibility to ensure that the roads receive proper light during the night hours.

The learned Counsel for the respondent no.8 states that the respondent no.8 has completed the work in terms of the contract awarded to the respondent no.8 and there is nothing to be done.

In view of the aforesaid, by accepting the statement made on behalf of the Municipal Council, we dispose of the public interest litigation with a hope and trust that the Municipal Council and the Grampanchayat would ensure that there are no encroachments on the roads which would affect the traffic on the same and the roads in the Municipal area and the Grampanchayat area have proper light effect, during the night hours.

In the facts of the case, there would be no order as to costs.

JUDGE

JUDGE