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IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION******PUBLIC INTEREST LITIGATION No. 126 OF 2010***

Ashok Madavdas Parwani ***...Petitioner***
Vs.
Ulhasnagar Municipal Corporation
and Ors. ***...Respondents***

WITH
CIVIL APPLICATION No. 163 OF 2010
IN
PUBLIC INTEREST LITIGATION No. 126 OF 2010

Ashok Madavdas Parwani ***...Petitioner***
Vs.
Ulhasnagar Municipal Corporation
and Ors. ***...Respondents***
And
Kishore N. Lulla ***...Applicant***

WITH
CIVIL APPLICATION No. 154 OF 2011
IN
PUBLIC INTEREST LITIGATION No. 126 OF 2010

Ashok Madavdas Parwani ***...Petitioner***
Vs.
Ulhasnagar Municipal Corporation
and Ors. ***...Respondents***
And
Kishore N. Lulla ***...Applicant***

WITH
CIVIL APPLICATION No. 155 OF 2011
IN
PUBLIC INTEREST LITIGATION No. 126 OF 2010

Ashok Madavdas Parwani

...Applicant

Vs.

***Ulhasnagar Municipal Corporation
and Ors.***

...Respondents

Mr. Anant D. Bhatia for the Petitioner

Mr. Omkar Nagvekar i/b. R.S. Desai for Respondent No.1

Mr. Vishal Thadani -AGP for Respondent No. 3

Mr. S.P. Kanuga for Respondent No.4

CORAM : V. M. KANADE &

Ms. NUTAN D. SARDESSAI, JJ.

DATE : NOVEMBER 30, 2016

P.C. :

1. Heard the learned counsel appearing on behalf of the Petitioner, the learned counsel for the Ulhasnagar Municipal Corporation and the Learned AGP for the State.

2. By this petition, which is filed as a PIL under Article 226 of the Constitution of India, the Petitioner is seeking the following reliefs.

“(a) that this Honourable Court be pleased to direct the Respondent No.1 Corporation to widen the road at Siru Chowk, Ulhasnagar -2 as per the Development Plan, i.e. 35 feet.

(b) That this Hon'ble Court be pleased to issue an appropriate writ or order directing the Respondents 1 and 2 to forthwith remove the Shop No. 832, Sheet No. 63, Section 6-

A, Siru Chowk, Ulhasnagar-2.

(c) That this Honourable Court be pleased to issue an appropriate Writ directing the Respondent No.1 Corporation to adopt the proceedings for acquisition of the land below Shop No.832, Sheet No. 63, Section 6-A, Siru Chowk, Ulhasnagar -2 for the purpose of road widening.

(d) That this Honourable Court be pleased to take action against concerned officer of Respondent No.1 for committing breach of the statement made before this Honourable Court in Order dated 16/12/2009 in Writ Petition No. 5123 of 2009

(e) Pending the hearing and final disposal of this Petition, this Honourable Court be pleased to issue an appropriate order directing the Respondents 1 and 2 to forthwith remove the Shop No. 832, Sheet No. 63, Section 6-A, Siru Chowk, Ulhasnagar-2.

(f) Pending the hearing and final disposal of this Writ Petition, this Honourable Court be pleased to issue an appropriate order directing the Respondent No.1 Corporation to forthwith widen the Road at Siru Chowk, Ulhasnagar-2.

(g) Ad-interim reliefs in terms of prayer clause (e) & (f) above;

(h) For cost of the present petition.

(i) For such and other further reliefs as this Hon'ble Court may deem fit and proper as the nature and circumstance of the case may require.”

3. The grievance of the Petitioner is that Respondent No.4 has constructed a shop being shop No. 832 situated on Plot No. 7, Plot No.25 Commercial Zone, Siru Chowk, Section 6A M.P. Road, Ulhasnagar-2. It is submitted that though the orders have been passed by this Court for removal of the illegal construction/ shop, his grievance is that the Corporation is not removing the said shop. The Petitioner made several averments in the petition regarding demolition of 200 shops, non-payment of compensation to these shop owners and also made allegation about the illegal construction carried out by Respondent No.4.

4. In the affidavit in reply, the Corporation has denied these allegations and the matter is still pending and several orders have been passed by this Court from time to time.

5. The Petitioner claims to a doctor by profession and also claims to be a President of *Brashtachar Hatao Samiti*.

3. We are of the view that since this PIL raises all disputed question of facts, it will not be possible for this Court to go through the

correctness or otherwise the allegations made by the Petitioner in this petition.

4. The Corporation has denied all the allegations, which are made by the Petitioner in this PIL. Hence, it will not be possible for this Court to entertain this petition as PIL. Reserving the right of the Petitioner to take out appropriate proceedings before the appropriate Forum, which have to decide these disputed question of facts, the PIL is disposed of.

Ms. NUTAN D. SARDESSAI, J.

V.M. KANADE, J.