

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 244 OF 2014

Shri Ajit Mhatre. ... Petitioner.
V/s.
The Chief Officer,
Ambernath Municipal Council and others. ... Respondents.

Virendra Pethe for the petitioner.
PP.Kakade, AGP for respondent Nos.2 and 4 to 6.

**CORAM : DR.MANJULA CHELLUR, C.J.
AND M.S.SONAK, J.**

DATE : 8th December 2016.

PC. :

This petition was filed for espousing the cause of general public. According to the petitioner, the development plan of 100 ft. road, which was known as Kalyan-Badlapur Road and now referred to as Jawahar-Wada-Bhiwandi-Kalyan-Karjat-Khopoli State Highway No.76 which passes through the limits of Ambernath Municipal Council, was sanctioned in the year 2008. The grievance of the petitioner seems to be that in spite of sanction i.e. men and material of the respondent authorities, there is delay on the part of the respondents in completing the road in question.

2. This petition came to be filed in the year 2014. As on today, the petitioner's counsel is fair enough to submit that the construction of road in question is almost completed except for 1½ km. stretch of the road along with footpath on either sides since there were encroachment which were coming in the way of widening up or developing of the road. According to learned counsel for the petitioner, since the encroachments have been removed, there should not be any obstacle for completion of the road. He, therefore, submits that the road should be completed.

3. Though, in all fairness, the petitioner's counsel has brought to our notice what exactly the development is in so far as completion of road till date, we are of the opinion that even if there was delay it must be on account of encroachments on either side of the road as admitted by the petitioner. Since the encroachments have been removed, there should not be any laxity on the part of the respondent authorities to complete the same

4. We, therefore, dispose of this petition by directing the respondent authorities to complete the construction of the road as expeditiously as possible but not later than three months from the date of receipt of copy of this order to be supplied by the petitioner.

(M.S.SONAK, J.)

CHIEF JUSTICE