

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 35 OF 2015

Aam Aadmi Lok Manch
through its President Shri P.P. Goyal .. Petitioner
V/s
Pune Municipal Corporation & Anr. .. Respondents

Mr. P.P. Goyal, the petitioner in person.
Mr. R.S. Khadapkar for respondent no.1.
Mr. Sean Wassoodew for respondent no.2.

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

DATE : 17th NOVEMBER 2016

P.C.:

The present public interest litigation is filed for the following reliefs:

- “(i) *The present Public Interest Litigation Petition be allowed.*
- (ii) *The Respondent No.1, through a Writ of Mandamus or any Writ, Order or direction of any kind of such Writ or of any nature, may be issued against the Respondent No.1, to execute the Compromise Decree dated 22/12/2005 against the Respondent No.2.*
- (iii) *The Order dated 22/07/2014, obtained by the Respondent No.2 in Misc. Appeal No.289/2014, pending before the Hon'ble District Judge, Pune at Pune, be quashed and set aside and the Misc. Civil Appeal itself be dismissed.*

- (iv) *The Respondent Nos.1 and 2, to be directed to satisfy the Consent Decree in Civil Suit No.74/2002 at Exh-54 within a period of one month and the Respondent No.2 be directed to handover the possession of the suit property to the Respondent No.1, within a period of one month.*
- (v) *The Respondent No.2 be restrained from filing any litigation in future in regard of the suit property in any Court of India.*
- (vi) *The Respondent No.2 be directed to execute the work of widening of the railway over bridge, near Alankar Talkies, Pune, within the time granted to the Contractor – M/s Atur India Pvt. Ltd.”*

2. According to the petitioner, in the absence of providing footpath near the railway bridge, the life of general public is endangered while crossing the said bridge. Apart from the danger referred to, they also indicate traffic jam on the bridge because of pedestrians using the bridge even for moving from one place to another place. According to him, unless a footpath is provided, the life of the general public would be exposed to danger, as stated above.

3. Learned counsel appearing for the owner of the land, which is required for formation of footpath near the bridge, states that the owner has entered into a compromise recently with the Municipal Corporation of Pune and the consent terms were also filed in the Court of District Judge, Pune in Misc. Civil Appeal No.289 of 2014.

4. Learned counsel for the petitioner submits that he is aware of the consent terms between the parties, i.e. Municipal Corporation of Pune and the owner of the land, filed before the District Judge, Pune. Unfortunately, we are not furnished with a copy of the consent decree if at all it is filed.

5. According to learned counsel for the party respondent, consent decree is passed, but he is not able to get a copy of the said consent decree. If consent decree is passed, in terms of the said consent decree, the respondent Corporation and the party respondent have to take suitable action. Under the guise of pendency of the appeal now they cannot postpone the matter. In that view of the matter, we direct the respondent Corporation to initiate action in terms of the consent decree immediately so that the grievance of the public can be attended to. The entire exercise of acquisition and construction of the footpath has to be completed within 6 months from today.

6. With these observations, the PIL is disposed of.

(M.S. SONAK, J.)

CHIEF JUSTICE