

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

PUBLIC INTEREST LITIGATION NO. 94 OF 2016

Shashikant B.Kamble & others. .. Petitioners
Vs
The Municipal State Electricity
Distribution Company Ltd. & ors. .. Respondents

Mr.Pranil Sonawane, for Petitioners.
Mr.Rakesh Singh i/b M/s.M.V.Kini & Co., for Respondent Nos.1 &
2.
Mr.K.H.Giri, for Respondent No.3.

*CORAM : DR.MANJULA CHELLUR, CJ. &
N.M.JAMDAR, J.*

DATE : JUNE 23, 2017.

P.C.:

Heard learned counsel for Petitioners as well as Respondents. The matter was unrepresented by the Petitioners and counsel for some time and today Mr.Pranil Sonawane submits that the earlier Advocate has returned the file and they have recently appeared.

2. Apparently, the complaint pertains to 2014 work to be done by the first Respondent and others for the residential complex put up by the Respondents. A cable of 22 KV from the main line to

the residential complex has to be put up taking underground cable wire therefore, according to Petitioners it would put the lives of general public to danger. Though the learned counsel is contending that no norms or criteria is followed, we are unable to see which norm or criteria exactly is violated. Even otherwise, the underground cable work is already completed and the residential complex is given electricity through this cable, as indicated in the paragraph four of the first Respondents' reply affidavit that a total length of 1050 meters x 2 length quality cable having ISI mark was laid between April 2014 to May 2015. According to them for the purpose of laying said cable along the M.C.G.M road, the permission of the Municipal Corporation of Greater Mumbai is required and the same was taken.

3. So far as the costs of trenching and other expenses the third Respondent not only has to obtain the permission from the concerned authorities which he has taken, but even the costs have to be incurred by the third Respondent and there is no grievance so far as payment of the costs incurred to be borne by the third Respondent. The sub-station which has to distribute the power is at Craft 'D' located at the junction of S.Samuel Street and Goregaon Mulund Link Road which is about 80 to 90 metres ahead of the site of the third Respondent. As far as the set of cables of distribution at sub-station Craft 'D' they are in existence for the last twenty years and from this sub-station the underground cable is laid for the purpose of giving power to the residential complex of the third Respondent.

From May 2014 onwards the said system is in order and even made functional without complaint of any mis-happening on account of underground cable being made use for the purpose of supplying or distributing power to the third Respondent complex. Even otherwise, so far as the residents or owners of the land where sub-station Craft 'D' is situated no complaint of any nature came till date.

4. It is also brought on record that writ petition No.889 of 2016 was filed by one M/s.Miracle Spaces with the same grievance and they specifically sought for removal of the cable work done for the third Respondent at the instance of the first Respondent. The Petitioner -M/s Miracle Spaces also remained absent and the matter came to be disposed of for non-prosecution. However, in the present case except the Petitioners grievance till date no resident of the locality or commuters on the said road have complained of the so-called threat or danger pointed out by the Petitioners. If such complaints were to be there, the first Respondent ought to have received the same or there ought to have been other litigation in this regard. In that view of the matter, we are of the opinion the apprehension pointed out as a grievance in the public interest litigation by the Petitioner at the most could be termed as personal opinion of the Petitioner and nothing beyond which would intrude into the safety of the general public who are not only living in and around the said area but also use the road in question where underground cable network is set up by first Respondent.

Accordingly, Public Interest Litigation is disposed of without any positive directives.

(N.M.JAMDAR, J.)

CHIEF JUSTICE