

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLCIATION NO. 1158 OF 2015
IN
FIRST APPEAL (ST) NO. 21154 OF 2014

Harihareshwar Co-op Hosuing Society Through ...Applicants
its President & Ors

Versus

The State of Maharashtra & Ors ...Respondents

Ms Prerna Lalchandani, *i/b Omkar M Kulkarni, for the Applicants.*

Mr YY Dabke, *AGP for Respondent No.1/State.*

Mrs MS Bhoir, *for Respondent No.3.*

Mr A Rungta, *i/b M/s Crawford Bayley & Co, for Respondents Nos.5
& 6.*

CORAM: G.S. PATEL, J

DATED: 26th July 2017

PC:-

1. The Appellants' suit was dismissed. They claim to be entitled to access the Jogeshwari-Vikhroli Link Road ("JVL R") by a pathway they said they have been using for a long time, and which, according to them, had been constructed by the public authorities. They now seek interim relief allowing them to continue using this unplanned 'pathway'.

2. It is difficult to see how any planned arterial road with planned service roads can function as designed if everybody starts using highly individualistic “pathways” to get on and off these roads. The JVLR is a high-density, high-speed east-west traffic corridor meant to reduce congestion. That purpose is all but lost if persons ignore all implemented plans. This will only add to the congestion, and cannot be permitted. At this rate, we will undoubtedly soon have need for a bypass to bypass the bypass. Planning cannot be thrown to the winds or put into constant peril like this.

3. It is not possible to grant any interim relief in this Civil Application.

4. The Civil Application is dismissed. No costs.

(G. S. PATEL, J.)