

Amk

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 68 OF 2017

Ms. Preeti Ashok Balwani .. Petitioner
Vs.
The State of Maharashtra & Or. .. Respondents

Mr. Prerak Chaudhary a/w. Ms. Ramola Bhowmik i/b Ashok Dhanuka for the Petitioner.

Mr. A. Mishra, AGP for the Respondent-State.

Ms. Vandana Mahadik for the Respondent-MCGM.

**CORAM : NARESH H. PATIL AND
M.S. KARNIK, JJ.**

DATE : 11th JANUARY, 2017.

P. C. :

1. Petitioner, resident of respondent-Society premises, raised objections to road widening exercised by the Municipal Corporation. The petitioner's objection are:

- (a) That the trees in front of the premises, in and around the society premises, are going to be cut, damaged without following procedure established in law.
- (b) Without prescribing any road line road widening work is going on.
- (c) The Municipal Corporation has not called for any objections in respect of the proposal for cutting of trees.

2. Learned counsel for the Municipal Corporation submits that in accordance with the directions issued in Public Interest Litigation No.46 of

2015, the Municipal Corporation Authority would take all necessary precaution as required in law and take all precautions by approaching the Tree Authority.

3. Learned counsel has also shown the photographs wherein notices have been affixed by the Municipal Corporation on the trees. It is submitted that such notices would be affixed on the trees which are surrounding the premises of the petitioner-society. The counsel further submits that the road lines were prescribed in the year 1999 by the Municipal Corporation in accordance with the provisions of Section 297 of the MMC Act. The road is to be widened to make it 60 ft wide and the work is undertaken between linking road and “19th” road, Khar.

4. We direct the Corporation to act in accordance with law and follow the procedure established for relocation of cutting of the trees, if required. The petitioner is entitled to file necessary objection by tomorrow with the Municipal Corporation. In case, such objections are received, the Municipal Corporation to look into these observations.

5. Till the petitioner files objections by tomorrow and the decision is taken, the Municipal Corporation shall maintain status quo.

6. With these observations and directions, the Writ Petition is disposed of.

[M. S. KARNIK, J.]

[NARESH H. PATIL, J.]