

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

WRIT PETITION NO. 575 OF 2016

Sujata Rajesh Pathak Petitioner
vs
Municipal Corporation of Gr.Mumbai & anr.. Respondents

Mr.Altaf Khan for Petitioner
Mr.Kedar Dighe Asst.Govt.Pleader for Respondent nos.2 & 3
Ms.Pallavi Thakar for MCGM

***Coram : SMT.VASANTI A.NAIK AND
RIYAZ I. CHAGLA, JJ***
Date : 2nd NOVEMBER 2017

P.C.:

The only prayer made in the petition is for a direction against the State Government and the Corporation authorities to take effective steps for removal of encroachment of hawkers from the foot-path and roads of Lokmanya Tilak Road and Gopalkrishna Gokhale Road at Mulund (East).

The learned counsel for the petitioner states that though this Court had directed by the judgment in Suo Motu Public Interest Litigation No.71 of 2013 that the State Government and the Corporation should take effective steps for the removal of hawkers and compliance report should be placed in this Court, neither the State Government nor the Corporation authorities are taking any

steps for removal of the hawkers from the foot-path on Lokmanya Tilak Road and Gopalkrishna Road at Mulund (East). It is submitted that the Hon'ble Supreme Court has in Civil Appeal No.4156-4157 of 2002 directed the police authorities to give complete protection to the municipal staff as and when they go to clear the hawkers as per the directions of the Hon'ble Supreme Court. It is stated that the Hon'ble Supreme Court has further directed that the Police Commissioner should ensure that there is regular patrolling to ensure that once the hawkers are removed from a particular place, they do not come back to the place.

Ms.Thakar the learned counsel for the corporation states by referring to the affidavit-in-reply filed on behalf of the corporation that the orders of the Hon'ble Supreme Court and the High Court are duly complied with. It is stated that the Senior Inspector (Encroachment), T Ward at Mulund had personally visited the said roads on 18.7.2017, 22.7.2017, 24.7.2017, 28.7.2017, 31.7.2017, 2.8.2017, 12.8.2017, 14.8.2017, 24.8.2017, 28.8.2017, 29.8.2017, 30.8.2017, 31.8.2017, 7.9.2017, 8.9.2017, 12.9.2017, 13.9.2017, 16.9.2017, 18.9.2017, 19.9.2017, 22.9.2017, 25.9.2017, 3.10.2017, 7.10.2017, 9.10.2017, 10.10.2017, 18.10.2017, 27.10.2017, 30.10.2017 and the hawkers are removed from the said foot-path with the help of the staff. It is stated by referring to the photographs that are annexed to the affidavit-in-reply, that appropriate action is taken against the

unauthorized hawkers. It is submitted that the inspection and visits of the concerned authorities of the corporation would continue in view of the directions of the Hon'ble Supreme Court and the High Court. It is stated that as frequently, as is done by the Senior Inspector (Encroachment) on the dates mentioned hereinabove, the encroachment drive would be carried out.

Mr.Dighe, the learned Assistant Government Pleader appearing on behalf of the State Government states that the directions of the Hon'ble Supreme Court are being followed and whenever the corporation authorities or the staff of the corporation require the help of the police authorities for removal of the encroachment, the Commissioner of Police would ensure that protection is given to the corporation authorities and its staff. It is submitted that the Police Commissioner would ensure that there is patrolling on the said roads to ensure that hawkers do not come back to the roads where they carry on illegal hawking.

In our view, in view of the statements made on behalf of the State Government and the corporation authorities the grievance of the petitioner should stand redressed.

Hence, by accepting the statements made on behalf

of the corporation and its authorities and the State Government, which would be binding on them, we dispose of the writ petition with no order as to costs.

(RIYAZ I.CHAGLA J)

(SMT.VASANTI A.NAIK, J)