

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

**NOTICE OF MOTION (L.) NO. 672 OF 2016
IN
PUBLIC INTEREST LITIGATION NO. 87 OF 2006**

The Municipal Corporation of Gr. Mumbai ... Applicants.
(Org.Respondent No.2).

In the matter of :

The Bombay Environmental Action Group ... Org. Petitioners.
& Anr.

V/s.

The State of Maharashtra and Others. ... Respondents.
(Org.Respondents)

Mr. S. S. Pakale a/w. Ms. Trupti Puranik for the Applicants.
Ms. Shreya Parikh i/by Jaykar & Co. for the Org. Petitioners.

Ms. Kavita N. Solunke, AGP for the Respondent-State.
Mr. Rui Rodrigues a/w. N. R. Prajapati for the Respondent -
Union of India.
Ms. Sharmila Deshmukh a/w. Rupali Dixit for Respondent -
MCZMA.

**CORAM : V. M. KANADE AND
P.R. BORA, JJ.**

DATE : 07th MARCH, 2017

P.C. :

1 This Notice of Motion is taken out by the Corporation, the Applicants herein, seeking permission for carrying out widening and reconstruction of bridges at Dharavi

Bridge near Drive in Theatre at C.S. No. 501 at Division Bandra, Mumbai.

2 We have perused the affidavit-in-support of this notice of motion and have heard the learned counsel appearing on behalf the Corporation and also the learned counsel appearing on behalf of other respective parties. We are satisfied that the said project is a public utility project. The necessary approvals have been taken by the Corporation which are marked as Exhs. 1, 2 and 3. Leave is, therefore, granted to the Corporation in terms of prayer clause (a).

3 It is clarified that all the necessary statutory requirements/permissions that are required to be taken, in addition to the approvals which have already been taken, shall be obtained by the Corporation and thereafter, the said project work may be completed.

4 The rivers in Mumbai Mithi run through the city of Mumbai and finally they meet the level of Arabian Sea at Mahim. The river is only drainage channel that carries excess water during monsoon. The width of the Mithi river has already been widened at various places except the bridge portion, which has created bottleneck for the smooth flow of river water. In the affidavit-in-reply, the Corporation, in terms, states that re-plantation of the mangroves will be done in the

area shown in the google map in green colour boundary by MCGM. The assistance of the Forests Department may also be taken for widening and reconstruction work. We are, therefore, of the view that the widening and reconstruction work at Dharavi Bridge, where the drive-in take, is necessary to remove the bottleneck for the free flow of traffic.

5 The Notice Motion is, therefore, allowed in terms of prayer clause (a) and it is disposed of accordingly.

(P.R. BORA, J)

(V.M.KANADE, J)

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