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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.679 OF 2017

Arvind Narayan Sawant ...Petitioner
vs.
The Municipal Corporation
and others ...Respondents

None for the Petitioner
Ms Kejali Mastakar for the respondent No.1
Ms Uma Palsule-Desai, AGP for respondent Nos.2 and
4.

CORAM : A.S.OKA, &
P.N.DESHMUKH, JJ.
DATE : JANUARY 10, 2018

P.C.:

1 None appears for the petitioner. Prayer clauses (a) and(c) of this petition under Article 226 of the Constitution of India are for challenging the work order dated 23rd January 2015 issued by the Municipal Corporation for construction of foot over bridge near Pravasi Industrial Estate Co-operative Society Limited across Goregaon-Mulund link road, Mumbai. There is other prayer seeking a writ of mandamus directing the first respondent to make a survey of the area of Goregaon-Mulund link road with a view to ascertain whether the foot over bridge is necessary at other places.

2 The learned counsel for the Municipal Corporation invited our attention to the Judgment and Order dated 8th September 2016 passed by the Division Bench of this Court in PIL (L) 149 of 2015 (Rajesh Sosa vs. State of Maharashtra and others).

Perusal of the said Judgment and order shows that the challenge was to the same work order dated 23rd January 2015. The Division Bench while dismissing the PIL held that the construction of the said foot over bridge is in the interest of the public at large. Another finding recorded is that the work order has been issued after following procedures established under the law. Therefore, the Division Bench proceeded to dismiss the PIL.

3 The learned counsel for the Municipal Corporation on instructions of Shri P.K.Parulekar, Assistant Engineer (Bridges) of first respondent states that approximately 80% of the work of foot over bridge has been completed. We accept the said statement.

4 In view of this statement and in view of the aforesaid Judgment and Order, no interference can be made as far as the said work order is concerned. If the petitioner and the residents of the locality are of the view that the construction of another foot over bridge is necessary at some other location, they can always make a representation to the first respondent which is bound to be considered by the first respondent in accordance with law.

5 Hence, subject to what is observed above, we decline to entertain this petition and the same is rejected.

(P.N.DESHMUKH,J.)

(A.S.OKA,J.)