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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 107 OF 2018

|                             |               |
|-----------------------------|---------------|
| Mr. Owais Anwar Pechkar     | ..Petitioner  |
| Vs.                         |               |
| The Union of India and ors. | ..Respondents |

Mr. Owais Anwar Pechkar, petitioner-in-person present.  
Mr. D. R. Shah a/w Mr. Y. R. Mishra for respondent no.1-UOI.  
Ms. Lakshmi Bussa I/by M. V. Kini for respondent no.2.  
Mrs. Nisha Mehra, AGP for respondent no.3-State.

CORAM: PRADEEP NANDRAJOG, CJ. &  
N. M. JAMDAR, J.

APRIL 11, 2019.

P.C.

1. Heard the petitioner who appears in person and learned counsel for the respondents.

2. Filed in public interest, the petitioner espouses the public cause of safety on the Mumbai - Goa National Highway: NH-66. As per the petitioner the highway has multiple potholes which are likely to endanger the safety of passengers who commute on the highway in motor vehicles.

3. The photographs filed with the Public Interest Petition show that potholes have assumed dimension of virtual craters.

4. The reply filed admits the pathetic condition of the highway but states that a decision has been taken to broaden the highway which currently has two lanes, to make it four lanes. The highway has been divided into ten segments and after issuing notice inviting tenders, the work orders have been placed on ten concessionaires. Time period to broaden the highway from two lanes to four lanes is two years. The concessionaires would not only broaden the existing highway but would also, pending completion of the work, fill up the potholes so that during the process of widening the highway, till the existing two lanes are expanded, free flow of traffic is not hampered.

5. In that view of the matter, the relief principally sought in the Public Interest Petition being already granted by the respondents need not trouble us to issue a mandamus.

6. The petitioner who appears in person states that experience shows substandard work being accepted by the officers of National Highway Authority of India (NHAI) or the Public Works Department, State of Maharashtra and would commend the

court to issue directions that quality control as per the norms specified in the tender be adhered to.

7. Mr. Vivek Nawale, Superintendent Engineer, Public Works Department, State of Maharashtra, states that quality control would be maintained and the terms of the notice inviting tenders stipulating periodic tests to be conducted would be adhered to.

8. We terminate the proceedings in the Public Interest Litigation, clarifying that if during the execution of the subject project the petitioner comes across violation of the tender specifications concerning the quality to be maintained, he could revisit this court.

9. No costs.

**N. M. JAMDAR, J.**

**CHIEF JUSTICE**