

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

PUBLIC INTEREST LITIGATION NO.35 OF 2016

Nadeem Riyasatali Kapoor

..Petitioner

Versus

Mr. Harun Khan and others

..Respondents

Mr. Vinod Singh I/by Mr. Ganesh Gole, Advocate for the Petitioner.

Mr. Amit Shastri, AGP for Respondent Nos.2 & 8 – State.

Ms. K. H. Mastakar, Advocate for Respondent Nos.3 to 7 – MCGM.

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

DATE : 16th JULY, 2019

P.C.

1] Without impleading the alleged encroachers, by way of the present Public Interest Litigation the Petitioner desires structures abutting 5 meter Road from LBS Road at village Ghatkopar (W) Mumbai next to a drain to be demolished.

2] The response of MCGM brings out that notices were issued to six occupants of the stated unauthorized structures made on an encroached land, led the noticees to file civil suits in the City Civil Court in which interim orders have been obtained restraining MCGM from taking any coercive steps.

3] Since MCGM has taken steps which were contemplated

by law, we dispose of the Public Interest Litigation as infructuous, but by requiring MCGM to seek vacation of the interim orders

4] The Petitioner may seek an impleadment in the suits filed by the said persons pleading that their activity causes public nuisance and thus as a resident of the area he has an interest in the litigation and would be, if not a necessary, at least a proper party.

N. M. JAMDAR, J

CHIEF JUSTICE