

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

PUBLIC INTEREST LITIGATION NO.26 OF 2008

WITH

NOTICE OF MOTION NO.215 OF 2008

WITH

NOTICE OF MOTION NO.65 OF 2009

WITH

NOTICE OF MOTION NO.340 OF 2011

WITH

NOTICE OF MOTION NO.229 OF 2016

WITH

NOTICE OF MOTION NO.256 OF 2016

WITH

CHAMBER SUMMONS NO.237 OF 2017

Mrs.S.G.P.Barnes	...	Petitioner
versus		
Shri Sunil Damne and Ors.	...	Respondents

Mrs.S.G.P.Barnes- Petitioner present in person.

Mr.A.Y.Sakhare, Senior Advocate a/w
Ms.K.H.Mastakar for MCGM.

**CORAM :- S. C. DHARMADHIKARI &
R.I.CHAGLA, JJ.**

DATE :- DECEMBER 5, 2019

P.C. :-

1. After having heard both sides and perusing the affidavit, which has been filed pursuant to our earlier order, we do not think that we can go on monitoring and supervising the demolition measure or activity initiated or proposed to be initiated by the Municipal Corporation. The residents ought to realise that by

dropping complaints before this Court, the unauthorised structures or development activities cannot be curbed, much less totally controlled. It is only when the residents keep proper vigil and help the officers that the activities can be brought under control. We do not think that we can issue directions as desired by the public interest litigant. Once we have targeted, with the help of the parties, a particular construction and ensured that the compliance is done by the Municipal Corporation of the order of this Court, then, the public interest litigant cannot raise issue of another illegal construction or activity brought to her notice or noticed by her. That way, every ward-wise act of this nature will have to be taken care of by this Court. It is impossible for us to do this, much less by way of a Public Interest Litigation.

2. The PIL has served its purpose and stands disposed of accordingly.

3. In the light of the disposal of the PIL, Notices of Motion and Chamber Summons do not survive and stand disposed of accordingly.

(R.I.CHAGLA, J.)

(S.C.DHARMADHIKARI, J.)