

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1105 OF 2013**

Sharda w/o Gopal Shetty & Anr	...Petitioners
<i>Versus</i>	
The State of Maharashtra & Anr	...Respondents

Mr Akash Singh, *i/b AM Saraogi, for the Petitioner.*
Ms Uma Palsuledesai, AGP, *for Respondent No. 1.*
Ms Rupali Adhate, *for Respondent No. 2.*
Mr Vivek Kadam, *Road Engineer, Maintenance Department,*
L/Ward, present.

**CORAM: S. C. DHARMADHIKARI &
G.S. PATEL, JJ**
DATED: 4th June 2019

PC:-

1. The Writ Petition is filed in this Court on 8th August 2012 and was circulated urgently because the Petitioner was apprehending that a structure in which she was carrying on business of sale of lottery tickets is affected by road widening or alignment of the road and, therefore, it would be demolished forthwith. There are two structures which are subject matter of notices, copies of which

are annexed as Exhibits “E” and “F” to the Petition. A Division Bench of this Court on 3rd October 2012 passed the following order:

“ Stand over to 10th October 2012.

2. In the meantime, parties to maintain status quo.”

2. After the said order was passed, at the request of the Petitioners’ Advocate, the matter was adjourned to 17th October 2012. The ad-interim order continued. On 17th October 2012 the matter could not be taken up and was assigned a date of December 2012. Thereafter, it could not be taken up in whole of 2013, 2014, and a substantial part of 2015 and 2016 as well.

3. In the last three years, that is 2016 to 2019, the matter has not seen the light of the day. Today when it is called out, Mr Saraogi is not present but his junior says that the Petitioners have not bothered to contact the Advocate in the past several years. They have not followed up the matter.

4. We do not think that we can grant the request for adjournment on this ground or nor we can postpone the hearing

merely because the Petitioners' Advocate has not been in touch with his clients.

5. The Petition raises a challenge to the notices but the grounds are never substantiated or pressed before us. The road has to be widened. Lal Bahadur Shastri Marg is an arterial road in the eastern suburbs parallel to Eastern Express highway from Sion to Mulund. There is always traffic congestion in peak hours and the Traffic Advisory Committee formed in terms of directions of this Court in Public Interest Litigation No. 18 of 2010 advised widening of this road to its fullest extent, that is till the road line. That could not be done because of the status quo order of this Court. For nearly seven years the public is inconvenienced. Motorists and pedestrians have a continuous and constant fear because of these traffic conditions. This is a question of public safety and because the road is narrow and congested the possibility of accidents cannot be ruled out. In the circumstances, neither we adjourn the matter nor do we continue the ad-interim order any further. We find the impugned decision to be correctly taken in the general and larger interest of public safety.

6. We find that the Petition is entirely frivolous and is, therefore, dismissed.

7. The ad-interim order is vacated forthwith.

(G. S. PATEL, J)

(S. C. DHARMADHIKARI, J)