

Vidya Amin.

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

PUBLIC INTEREST LITIGATION NO. 59 OF 2018

Rafique Ahmed Ansari ... Petitioner
vs.
The State of Maharashtra & Ors. ... Respondents

Mr. Jitendra Mishra for the petitioner.
Ms. K.H. Mastakar for respondent nos. 2 to 4/MCGM.
Mr. L.T. Satelkar, AGP for respondent no. 1/State.

CORAM: PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.
DATED: 17th June, 2019

P.C. :

Petition concerns a decision taken by the Municipal Corporation for Greater Mumbai to construct an underground parking on a parcel of land which is used as a playground in Agripada. A perusal of the Public Interest Litigation shows that the Corporation was in two minds whether to proceed ahead by issuing work order to the tender.

2. Learned counsel for the Petitioner has obtained a latest decision of the Corporation under Right to Information. It is dated 30th

January, 2019. The decision brings out that till date No Objection Certificate have not been obtained from the Maharashtra Heritage Conservation Committee and no approval obtained from B.P. Special Cell and hence the project cannot proceed ahead. The decision also notes that the estimated cost of the project has since increased. The decision notes that the issue needs a relook.

3. The Petition is accordingly disposed of as pre-mature but granting right to the petitioner to revisit this Court, should the Corporation proceed ahead by issuing a work order without obtaining approval from the Maharashtra Heritage Conservation Committee and approval from the B.P. Special Cell. Such other contention of fact and law which are available today would be available to the petitioner.

4. Public Interest Litigation is disposed of.

N.M. JAMDAR, J.

CHIEF JUSTICE