

every road. The hurdles and obstructions included illegal constructions on the road of pandals, mandaps, hawking and finally, illegal parking and abandoning vehicles by the side of the road.

3. The issues were crystallised on 30th June, 2016 and thereafter, affidavits were sought from the authorities.

4. On 16th August, 2016, this Court was persuaded to observe and hold that large number of vehicles being illegally and unauthorisedly abandoned or placed would mean an open invitation to accidents as well.

5. The concern of the Court was reiterated in the further order of 21st September, 2016, which included the reference to illegal hawking.

6. Based on this and the further order of 26th June, 2018, affidavits were called for. On 17th July, 2018, this PIL was heard by a Bench presided over by Hon'ble Mr.Justice A.S.Oka and which included Justice R.I.Chagla as well.

7. Extensive reference was made to the provisions of the Motor Vehicles Act, 1988, the Maharashtra Motor Vehicles Rules, 1989 and the Maharashtra Police Act, 1951.

8. The order issued certain directions and on 21st September, 2018, this Court made reference to the affidavit filed by Joint Commissioner of Police (Traffic), Mumbai. The Court observed that the object of directing that the procedure and modalities should be laid down was to ensure that there will be no abandoning or parking the vehicles on the public street. The directions of this Court are, therefore, self explanatory. These orders, from time to time, including the one made on 25th January, 2019, to our mind, take care of these issues.

9. On 27th February, 2019 the other grievance of the party appearing in person has been noted. He made complaints to the authorities and expressed his readiness and willingness to show the roads/the areas, which have illegally parked vehicles as also abandoned vehicles in plenty. The grievance has been noted in this order of 27th February, 2019 and directions have been given to take necessary action. After the action taken report was placed, a detailed order has been passed on 29th March, 2019.

10. Thereafter, on 17th July, 2019, the parties were given liberty to file additional pleadings and we noted their contents in our order passed on 11th November, 2019.

11. On 10th December, 2019, in this PIL, two affidavits were filed and taken on record and equally, two rejoinders thereto.

12. After this bulky record, the PIL was placed and the PIL petitioner says that the directions of this Court apart, the menace continues in the city. He would request us not to dispose of the PIL or alternatively to direct the Municipal Corporation as also the police machinery to take note of his complaints and on occasions, accompany him to the site where such parking of vehicles illegally has taken place or vehicles have been abandoned in plenty on busy roads.

13. We know that initiation of such litigation by a public spirited citizen or aware resident of the city of Mumbai serves salutary purpose. The step taken by such person is welcome, but the Court has limitations. The Court can, at best, activate the police and the municipal machinery. On occasions, the Court may remind the citizens and residents of their duty by pointing out that every right has a corresponding duty. Beyond that, the day-to-day monitoring by the Court is virtually impossible. It is found that in such litigation, the petitioner requests the Court not to dispose of the PIL because on account of its pendency, the machinery works and if it is disposed of, there will be a repeat saga or story,

meaning thereby, the authorities will not take action and the menace will increase further.

14. We do not think that man to man policing is possible. Given the constraints on finance, the powers of recruitment and appointment, it will not be possible ever to appoint police and municipal staff commensurate with the population of the city of Mumbai. Today, every road and every corner of the road or even lane and by-lane cannot have a continuous presence of the police and municipal officials. Ultimately, people should realize that when parking zones are indicated, the vehicles will have to be parked there only and nowhere else. If “No Parking” sign is displayed, no vehicles should be parked on road or within the distance specified on the display board. With impunity, the vehicles are parked and abandoned despite the display of a “No Parking” sign. Now, this Court cannot go on issuing directions to take actions. At best, the Court can invite the attention of the authorities to this menace and impress upon them that if they do not take action, there may be a calamity waiting to happen. We have, during the course of all hearings, impressed upon the police and municipal machinery that busy locations, junctions, roads have to be kept totally obstruction free. Yet, right outside the Churchgate Station or Chhatrapati Shivaji Maharaj Terminus

(CSMT), we find hawking is rampant and equally double parking. At the CSMT, the scene is so grim and tragic that even the bus drivers find it difficult to take the buses out of the Terminus on the road and for picking up the passengers waiting to go to their place of work. After passengers are picked up and the bus is full at the pick up point, the driver finds it difficult, on account of the cab drivers, private vehicle owners and pedestrians, to move this huge bus out of this area. This is a day-to-day scenario. At Churchgate Station as well, on both sides, namely, Maharshi Karve Road (Queens Road) and the Veer Nariman Road, opposite Churchgate Station next to Asiatic Department Store, there is a traffic congestion. This scene is also witnessed outside the Indian Merchant Chamber Building. Now, in medical and other emergencies, including terrorist attack, it will be impossible for the State machinery, including police, to save precious human lives. The citizens and the residents should realise their responsibilities. If they are going to obey the law only when the action is taken against them or they are penalised, then, we do not think that they can be assisted or helped. They will continue inviting the risk to their life and threat to their vehicles and properties.

15. To our mind, therefore, keeping such PIL pending also means day-to-day reminder to the public to obey and follow the law. That also is not our job. In other words, as the petitioner desires, we cannot go on monitoring and supervising the action which the authorities are supposed to initiate or take when there is violation or breach of several enactments referred to in the previous orders passed on this PIL nor it is our duty to remind the public as above. Our intervention was restricted and limited. Beyond that, we should not indulge in this day-to-day administration and taking over of executive and police functions.

16. We, therefore, dispose of this PIL with the directions already issued and by accepting the statements made by the police and municipal machinery on oath, in their affidavits, as undertakings given to this Court.

17. All connected applications stand disposed of accordingly.

(R.I.CHAGLA, J.)

(S.C.DHARMADHIKARI, J.)