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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 19 OF 2021

Mr. Owais Anwar Pechkar .. Petitioner

Vs.

The Union of India & Ors. .. Respondents

**WITH
PUBLIC INTEREST LITIGATION ST. NO.6084 OF 2021**

Santosh Yedge .. Petitioner

Vs.

MEP Sanjose Arawali Kante
Road Pvt. Ltd. & Ors. .. Respondents

**WITH
PUBLIC INTEREST LITIGATION NO. 1 OF 2021**

Shri Parshuram Prabhakar Uparkar .. Petitioner

Vs.

The Union of India & Ors. .. Respondents

**WITH
CONTEMPT PETITION ST. NO. 22425 OF 2021
(Not on board)
IN
PUBLIC INTEREST LITIGATION NO. 107 OF 2018**

Mr. Owais Anwar Pechkar .. Petitioner

Vs.

The Union of India & Ors. .. Respondents

Mr. Owais Pechkar, petitioner-in-person in PIL/19/2021 & in Contempt Petition St. No.22425 of 2021.

Mr. Mishra i/by Anusha Amin for respondent no.1-UOI.

Mr. Rakesh Singh a/w Mr. Lakshmi Bussa i/by M. V. Kini for respondent no.2-NHAI in PIL/19/2021.

Mr. A. A. Kumbhakoni, Advocate General a/w Mr. P. P. Kakade, Govt. Pleader a/w Ms. R. A. Salunkhe, AGP for State.

Mr. Anand Pai a/w Mr. Ativ Patel, Mr. Darshit Dave, Mr. Harshad Vyas i/by AVP Partners for respondent no.8.

Ms. Dishya Pandey i/by Shreyas Shrivastava for respondent no.12 in PIL/19/2021.

Mr. Rajshekhar V. Govilkar for respondent no.1 in PIL/1/2021.

**CORAM: DIPANKAR DATTA, CJ &
M. S. KARNIK, J.**

DATE: NOVEMBER 29, 2021

PC:

1. PIL No. 19 of 2021, PIL St. No.6084 of 2021 and PIL No. 1 of 2021 are listed together, today. From the previous orders, there appears no direction for tagging thereof. Be that as it may.

2. We are informed that a coordinate Bench of this Court while hearing PIL No. 1 of 2021 had passed an order dated 20th September, 2021, requiring the petitioner to deposit a sum of Rs.10 lakh within a period of two weeks from date, without prejudice to his rights and contentions in the petition, as security in terms of rule 7A of the Bombay High Court Public Interest Litigation Rules, 2010. It was observed that in default

of such deposit, the petition would stand dismissed without further reference to the Court.

3. A case status report has been filed before us wherefrom it appears that PIL No. 1 of 2021 stands dismissed. None appears for the petitioner in PIL No.1 of 2021 to submit that the case status report projects an incorrect picture. We, therefore, treat PIL No. 1 of 2021 as dismissed.

4. PIL No. 19 of 2021 was also considered by the same coordinate Bench on 20th September, 2021. Hearing was adjourned till 18th October, 2021 to consider the progress of work made to fill up the potholes on the Mumbai-Goa highway (National Highway No.66). A compilation giving facts and figures as well as photographs of the work of filling up of the potholes has been made over to the Court by Mr. Kumbhakoni, learned Advocate General for the State. Referring to such compilation, it is Mr. Kumbhakoni's contention that due attention has been given to the potholes on the highway and that efforts in the right direction are on to fill up such potholes.

5. Mr. Pechkar, petitioner appearing in-person, however, points out that a landslide at Parshuram Ghat has not been attended to.

6. We record that Mr. Kumbhakoni has taken pains to show from the compilation that there was indeed a landslide in July, 2021 because of unprecedented floods and that work on the site of the landslide is on. According to him, for free and smooth traffic movement, part of the highway has been barricaded and the road has been widened to ensure two-way movement of traffic is not hindered in any manner whatsoever.

7. At this stage, a prayer is made by Mr. Pechkar that since the work of rehabilitation and upgradation of National Highway No.66 has not been completed by the agencies responsible therefor, viz., the Ministry of Road, Transport and Highways, Government of India as well as the Public Works Department of the State of Maharashtra, the remaining work should be made over to the Border Roads Organization (BRO) for prompt completion.

8. We find absolutely no merit in such contention. BRO is an organization deputed for taking care of road infrastructure in the border areas, and primarily in the hilly tracks. Having regard to the progress that has been achieved so far, we see no reason to requisition the services of the BRO. The contention is, accordingly, rejected.

9. Mr. Singh, learned advocate appearing for the National Highway Authority of India (NHAI) submits that although he had submitted on 20th September, 2021 that show-cause notice was initially issued to the relevant agency entrusted with the work of rehabilitation and upgradation of the said highway between Panvel and Indapur seeking explanation why the contract shall not be terminated and further that subsequently it was considered not in public interest to proceed for termination of the contract for which the NHAI had extended the time till 31st March, 2022, the NHAI has now proceeded to terminate the contract on 17th November, 2021; however, such termination has been challenged before the Delhi High Court and an order of stay has been passed in the relevant proceeding.

10. Having considered the developments that have taken place since the last order was passed, we direct listing of PIL No. 19 of 2021 as well as the contempt petition once again on **3rd January, 2022**. On that date, separate status reports shall be filed by the PWD as well as the NHAI with regard to progress achieved in execution of the works on the various stretches of NH-66.

11. Since none has appeared for the petitioner in PIL ST. No. 6084 OF 2021, the same stands de-tagged and removed from the board.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)

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DASHARATH
PANDIT
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