

PUBLIC INTEREST LITIGATION NO. 17 OF 2024

Versus

DATE : 9 MAY 2024

2. The learned counsel appears for Respondent Nos. 7 to 9 and seeks time to file a reply affidavit.

3. The learned counsel for the Petitioners has drawn our attention to notices issued by the Respondent/ Municipal Corporation on 4 March 2024 and also 23 January 2024, wherein information is called for from Respondent Nos. 7 to 9 on the allegation of illegal encroachment and construction at Joggers Park, Lokhandwala. Respondent Nos. 7 to 9 have been called upon to submit permission from Competent Authority, approved plans, ownership documents etc. It is also stated that if no document or permission is submitted, then necessary action would be instituted. Similarly, there is a notice/ internal document addressed by the member of the Mangrove Protection and Conservation Monitoring Committee, placed on record, wherein the member has raised the query whether there is any damage to the Mangroves or whether any construction activity is going on within 50 meters of the Mangroves.

4. While we defer the hearing of the petition at the request of Respondent Nos. 7 to 9 to file a reply affidavit, we direct that the Municipal Corporation will take this notice to the logical end, at the earliest, as already time given in the Notice of 23 January 2024 of 7 days has already expired.

5. As regards the allegations made by the Petitioner regarding unauthorised construction/encroachment, the learned counsel for Respondent Nos.7 to 8 state that it will be ensured that no further construction or encroachment will be permitted in Joggers park. Apart from this statement, we place the responsibility on Assistant

Commissioner 'K' Ward/Municipal Corporation of ensuring that that no further construction or encroachment comes up in the Joggers Park at Lokhandwala. Respondent Nos. 7 to 9 will also ensure that there is no damage or disturbance to the Mangroves as concern is expressed in that regard.

6. Since Respondent Nos. 7 to 9 are organizing religious functions where large number of persons attend and food is served, it is equally their responsibility to maintain hygiene and not litter garbage in public places and in the Park. If such activities are taking place, then the Assistant Commissioner 'K' Ward/Municipal Corporation, on whom we have placed the responsibility, will ensure that necessary action is taken and all rules and regulations are followed by Respondents no. 7 to 9.

7. Place the PIL on board on **26 June 2024**. In the meanwhile, the Municipal Corporation, pursuant to its notices, would complete its action without waiting for further orders to be passed in this petition.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)