

Pdp

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

PUBLIC INTEREST LITIGATION NO. 39 OF 2024

**Shishir Vivekanand Shetty
& Ors.**

.. Petitioners

Versus

State of Maharashtra & Ors.

.. Respondents

Mr. Rishi Nirav Bhatt a/w Yogesh Sankpal, Sameer Khedekar, Makarand Kale for petitioners.

Smt. P. H. Kantharia, Government Pleader with Mr. Mohit P. Jadhav, Addl. Government Pleader for respondent nos.1 and 2-State.

Ms. Oorja Dhond i/by Mr. S. K. Sonawane for respondent no.3-BMC.

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**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
AMIT BORKAR, J.**

DATE: 23rd JULY, 2024

P.C.:

1. Heard learned counsel for the petitioners, learned Government Pleader representing the respondent nos.1 and 2/State and Ms. Dhond, learned counsel representing the respondent no.3- MCGM.

2. In respect of alignment of a road being constructed by the respondent no.3-Corporation, certain grievances have been raised by the petitioners by filing this Public Interest Litigation petition. It is the submission of the learned counsel for the petitioners that the report dated 4th September, 2023 regarding construction of Flyover/Elevated Road along 36.60 mtrs. wide proposed Development Plan Road from

Lokhandwala Township Circle to Thakur Village, through Singh Estate, Kandivali (E) in R/South Ward is not being acted upon.

3. Since the issue raised in this PIL petition involves technical know-how in respect of construction of Road/Bridge/Flyover, we deem it appropriate to direct the Municipal Commissioner to look into the matter and take an informed decision as to whether alignment of the Development Plan Road is needed and technically feasible. For the said purpose, petitioners shall make a representation to the Municipal Commissioner taking all the pleas which may be available to them and enclosing therewith all the documents, including the report dated 4th September, 2023, which is available at Exhibit-N appended to the writ petition.

4. Said representation shall be made by the petitioners within 10 (ten) days from today. Once any such representation is made, the Municipal Commissioner shall summon the requisite information/reports/documents from his subordinates and will take a decision in the matter within next four weeks by passing a reasoned order.

5. With the aforesaid observations and directions, the PIL petition is finally disposed of.

(AMIT BORKAR, J.)

(CHIEF JUSTICE)