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

PUBLIC INTEREST LITIGATION NO. 25 OF 2024

Sanjay Shankar Kokate

.. Petitioner

Versus

**Municipal Corporation of
Greater Mumbai & Anr.**

.. Respondents

Mr. Rahul Tiwari for petitioner.

Ms. Oorja Dhond i/by Ms. Komal Punjabi for respondent nos.1
and 2.

**CORAM: ALOK ARADHE, CJ. &
BHARATI DANGRE, J.**

DATE: 3rd FEBRUARY, 2025

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P.C.:

1. In this Public Interest Litigation, the petitioner, *inter alia*, seeks a direction to the respondents for restoration of the footpath for pedestrian situated at Narsi Natha Marg next to 387, MCGM Solid Waste Management Department, B-1 Chowki, B – Ward, Mumbai 400 009.

2. As per the averments made in the PIL, the structure has been erected and then encroachment has been made on footpath of Narasi Natha Marg, outside Masjid Bandar Railway Station. The petitioner had submitted complaints dated 21st July, 2022, 5th July, 2023 and 10th July, 2023 with regard to encroachment, however, no action has been taken.

3. It has been averred that in the case of **Shrikant Shenoy & Ors. vs. the Municipal Corporation of Greater**

Mumbai & Ors., (Writ Petition (L) No. 23131 of 2022, decided on 14th November, 2022), a Division Bench of this Court has observed that it is the duty of the Municipal Corporation to get the public street clear from the encroachers to make the same available to members of public and for smooth vehicular traffic and free from encroachment.

4. Issue notice to the respondents.

5. Ms. Oorja Dhond, learned counsel appears for the respondent nos.1 and 2 waives service of notice. She prays for and is granted four weeks' time to enable her to file affidavit-in-reply.

6. List on **3rd March, 2025.**

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)