



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

SUO MOTU PUBLIC INTEREST LITIGATION NO.25 OF 2026

Court's on its own motion

vs.

The State of Maharashtra, Thr. Secretary, Ministry of Finance, Mumbai and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S. M. Ukey, Additional Government Pleader for respondents/State.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATED : 7th May, 2026

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News articles are published in Marathi daily newspaper 'Sakal' regarding lack of bus stop infrastructure, encroachment of bus stops and absence of basic passenger amenities in Nagpur city.

2. A large number of citizens, including students, senior citizens, daily wage workers, and office commuters depend on the city bus service for their daily transportation. However, due to administrative negligence and lack of proper planning, the commuters are facing severe inconvenience and hardship. One of the major and busiest road junctions in Nagpur city, namely the stretch from Medical Square to Krida Square and from the Rashtrasant Tukadoji Maharaj Statue to Besa Road, does not have any designated bus stand or proper bus stop facility. Although city buses regularly halt near a petrol pump situated close to Medical Square, passengers are compelled to wait on the roadside in all seasons throughout the year. Despite the heavy footfall and continuous use of the location as a bus stopping point, the concerned municipal authorities have failed to provide even basic

facilities such as a bus shelter, seating arrangement, or a signboard indicating a designated bus stop. Further, on the route between Sitabuldi and Besa Square, there exists a city bus stop named "Swami Samarth Manewada Road Besa." However, the said bus stop is located at one extreme corner of the road due to which it is not easily visible or accessible to passengers. As a result, commuters do not use the bus stop and prefer to wait elsewhere on the roadside. Taking advantage of this situation, various vendors, sellers, and vehicle owners have encroached upon the said bus stop and are using the place for activities completely unrelated to its intended purpose. Although the encroachment prevention squad of the Municipal Corporation and the City Traffic Police regularly undertake drives in certain areas of the city, no attention has been paid to this location and the encroachment continues unabated. Especially when there is a heat wave in Vidarbha region in the months of April and May, the necessity of a bus stop assumes a great importance for the commuters while they wait for the bus.

In *Ahmedabad Municipal Corporation vs. Nawab Khan Gulab Khan AIR 1997 SC 152*, the Hon'ble Supreme Court held in paragraph 12 thus :

"12. Article 19(1)(e) accords right to residence and settlement in any part of India as a fundamental right. Right to life has been assured as a basic human right under Article 21 of the Constitution of India. Article 25(1) of the Universal Declaration of Human Rights declares that everyone has the right to a standard of living adequate for the health and well-being of himself and his family; it includes food, clothing, housing, medical care and necessary social services. Article 11(1) of the International Covenant on Economic, Social and Cultural Rights lays down that State parties to the Covenant recognise that everyone has the right to standard of living for himself and his family including food, clothing, housing and to the continuous improvement of living conditions. In Chameli Singh

v. State of U.P. [(1996) 2 SCC 549] a Bench of three Judges of this Court had considered and held that the right to shelter is a fundamental right available to every citizen and it was read into Article 21 of the Constitution of India as encompassing within its ambit, the right to shelter to make the right to life more meaningful. In para 8 it has been held thus: (SCC pp. 555-56)

In any organised society, right to live as a human being is not ensured by meeting only the animal needs of man. It is secured only when he is assured of all facilities to develop himself and is freed from restrictions which inhibit his growth. All human rights are designed to achieve this object. Right to live guaranteed in any civilised society implies the right to food, water, decent environment, education, medical care and shelter. These are basic human rights known to any civilised society. All civil, political, social and cultural rights enshrined in the Universal Declaration of Human Rights and Convention or under the Constitution of India cannot be exercised without these basic human rights. Shelter for a human being, therefore, is not a mere protection of his life and limb. It is home where he has opportunities to grow physically, mentally, intellectually and spiritually. Right to shelter, therefore, includes adequate living space, safe and decent structure, clean and decent surroundings, sufficient light, pure air and water, electricity, sanitation and other civic amenities like roads etc. so as to have easy access to his daily avocation. The right to shelter, therefore, does not mean a mere right to a roof over one's head but right to all the infrastructure necessary to enable them to live and develop as a human being. Right to shelter when used as an essential requisite to the right to live should be deemed to have been guaranteed as a fundamental right. As is enjoined in the Directive Principles, the State should be deemed to be under an obligation to secure it for its citizens, of course subject to its economic budgeting. In a democratic society as a member of the organised civic community one should have permanent shelter so as to physically, mentally and intellectually equip oneself to improve his excellence as a useful citizen as enjoined in the Fundamental Duties and to be a useful citizen and equal participant in democracy. The ultimate object of making a man equipped with a right to dignity of person and equality of status is to enable him to develop himself into a cultured being. Want of decent residence, therefore, frustrates the very object of the constitutional animation of right to equality, economic justice, fundamental right to residence, dignity of person and right to live itself."

3. In our considered opinion, the absence of basic infrastructure at bus stops is not merely an administrative lapse but reflects a failure of constitutional governance. When citizens are compelled to wait in extreme weather conditions without shelter or seating, the State effectively denies them a life of dignity guaranteed under Article 21. Municipal Corporations, being constitutionally empowered and statutorily obligated, cannot evade responsibility for ensuring minimum standards of public transport infrastructure.

4. Thus, the above referred news articles have raised a serious issue pertaining to the lack of bus stop infrastructure, encroachment of bus stops and absence of basic passenger amenities in Nagpur city and in view of the same, we treat the news articles as Suo Motu Public Interest Litigation.

However, in order to give an opportunity to the concerned Authorities i.e. the Municipal Commissioner, Nagpur Municipal Corporation, we, instead of issuing notice to the respondents, dispose of the present SMPIL with following directions :

- (a) The Municipal Commissioner, Nagpur Municipal Corporation is directed to look into the aforesaid issue and conduct the necessary enquiry in order to take the steps essential for bus stop infrastructure and basis passenger amenities in Nagpur city.
- (b) The aforesaid Authority is further directed to submit action taken report within a period of four months from today to the Registrar (Judicial) of this Court.

3. SMPIL is disposed of accordingly.

(Raj D. Wakode, J.)

(Anil S. Kilor, J.)