

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

PUBLIC INTEREST LITIGATION NO.33 OF 2011

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| Telang Road Residents Association & others | Petitioners |
| versus | |
| State of Maharashtra and others | Respondents |

Mr.Ajay Fernando with Mr.S.S.Redekar for petitioners.
Mr.B.B.Varma, AGP for respondents 1, 5 and 6.
Ms.Sharmila Modle for respondent nos.2 to 4.

CORAM : MOHIT S. SHAH, C.J. AND
RANJIT MORE, J.

DATE : March 1, 2012

PC :

1. The grievance in this PIL is about the alleged illegal parking of garbage trucks of Municipal Corporation of Greater Mumbai ('MCGM') on Bhau Daji Road and Telang Road in Matunga, Mumbai. At the last hearing on December 7, 2011, this Court had suggested that the higher authorities of MCGM should look into the matter and try to redress the grievance of the petitioners.

2. Now, an affidavit dated February 29, 2012 is filed by Mr.Sanjay Y. Kurhade, Assistant Commissioner, F-North Ward, Mumbai stating that the MCGM has now identified an open plot at Flank Road (Behind Telephone Exchange) near Shanmukhananda Hall. The total

area of the plot is stated to be 1,175 sq.meters. It is decided by the MCGM that out of the said plot of 1,175 sq.meters, 40% area of the plot admeasuring about 470 sq.meters adjacent to Water Department Chowky can be utilized for shifting of motor loader chowky. Though it is stated in the affidavit that balance 60% area of the said plot i.e. 705 sq.meters shall be kept for pay and park scheme, it is stated at the hearing that the said area of 705 sq.meters will be allowed to be used for pay and park only when vehicles of the MCGM are not parked on the said plot.

3. The affidavit further states that necessary facilities will also be provided in the new chowky and it will take about nine months time to construct the said chowky as the cost of construction will be approximately Rs.30.00 lakhs.

4. After recording the above statements made in the affidavit of Assistant Commissioner, we find that the grievance of the petitioners will not survive any more. We accordingly dispose of the PIL in terms of the statements recorded above.

(CHIEF JUSTICE)

(RANJIT MORE, J.)