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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION (L)NO.22 OF 2018

Prakash Agarwal

...Petitioner

vs.

M/s.Nagar Builders Limited

and others

...Respondents

Shri Prakash Agarwal the Petitioner in person
Dr.Milind Sathe, Senior Counsel, Mr.Parimal K.
Shroff and Mr.D.V.Deokar, Ms Pinkin Modi, Mr.Druvesh
Parikh i/b Parimal K. Shroff & Co. for the
respondent Nos.1 and 2
Mr.L.T.Satelkar, AGP for respondent Nos.5 and 7.
Ms Prateeti Thakar i/b FF & Associates for
respondent No.4
Ms K.H.Mastakar for MMC.

CORAM : A.S.OKA, &

RIYAZ.I.CHAGLA,JJ.

DATE : JUNE 18, 2018

P.C.:

1 Perused the report submitted by the Committee appointed by this Court in PIL No.125 of 2014 in compliance with the directions in the order dated 18th April 2018. We have perused the said report. In the observation column in the report, it is pointed out that certain steps are required to be taken by both the State Government and the Municipal Corporation. We direct the Garden Superintendent of Municipal Corporation as well as the Designated Officer to remain present in the Court on the next date. The appropriate Officer of the Urban Development Department shall also remain present. In this PIL, we are also dealing with the issue of

compliance with the order passed in PIL 125 of 2014. Perusal of the order dated 27th September 2017 passed by the First Court shows that a Committee was appointed to supervise the work to be carried out by the applicant in Chamber Summons No.482 of 2018 (respondent No.10 in the PIL). The Applicant was directed to file monthly reports certified by a registered architect to the Committee with photographs of the progress of the work. The said reports were directed to be scrutinised by the Committee. The Committee was directed to visit the site for verification from time to time. The Committee was permitted to seek directions from the Court from time to time. The Chairman of the Committee states that though the Committee has been filing the reports regularly, disposed of PIL has not been placed before this Court for considering the said reports.

2 From the order dated 27th September 2017, it is apparent that this Court intended to ensure that the Committee will supervise the work to be carried out by the applicant and that ultimate compliance will be monitored by this Court as monthly reports were directed to be placed before this Court.

3 Therefore, it will be appropriate if the disposed of PIL is placed before this Court along with the present PIL.

4 Considering the prayer made in the disposed of PIL, we find that the same falls in the category of Environment matters.

5 Accordingly, we direct the Registry to place the present PIL along with disposed of PIL No.125 of 2014 on next Monday 25th June 2018 at 3.00 p.m. Apart from considering the report dated 5th May 2018, the Court will consider the issue of compliance with the directions issued in the disposed of PIL.

6 A sum of Rs.50,000/- per month ordered to be deposited by the applicant as per the order dated 27th September 2017 for meeting the expenses of the Committee and was allowed to be withdrawn by the Committee. On the next date, the Committee will submit a report indicating the total expenses incurred by it so far for carrying out the work in terms of the orders of this Court. If any bill is raised by the Architects, even the said bill shall be placed before this Court. For dealing with the suggestions made by the Committee in its report dated 5th May 2018, as directed earlier, the appropriate Officers of the Municipal Corporation as well as the State Government shall personally remain present on Monday 25th June 2018 at 3.00 p.m. The Registry will ensure that the reports are properly arranged in files and the same are paginated.

(RIYAZ.I.CHAGLA,J.)

(A.S.OKA,J.)