

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

**PUBLIC INTEREST LITIGATION NO.29 OF 2014
WITH
PUBLIC INTEREST LITIGATION NO.49 OF 2016**

Naosherwan Mohammad Yusuf ... Petitioner

V/s.

The State of Maharashtra ... Respondent

Mr. Ryan Menezes i/b M/s. Jhangiani Narula & Associates for the petitioners in PIL 49/2016.

Mr. Naosherwan M. Yusuf petitioner in person in PIL 29/2014 present in Court.

Ms.Trupti Puranik for MCGM.

Mr.Abhay Patki, Addl. Government Pleader for State in both the petitions.

Mr.Jeevan Kharat, PI, Mr. Parmeshwar Gamne, API, Mr. Vinod Tawde, API and Mr. Pramod Ranashware, PI present in Court.

Mr. Bharat Samarth Ghare, Senior Inspector Licence (Encroachment) K-West Ward present in Court.

**CORAM : R.M.BORDE & V. M.
DESHPANDE, JJ.**

DATED : 26th July 2018.

P.C. :

. By the order dated 8/6/2017 the Division Bench of this Court (Coram:Dr.Manjula Chellur, CJ & N. M. Jamdar, J) directed the Respondent Corporation as well the concerned Police Station officer to entrust upkeep of the public road in question so as to avoid any encroachments which are likely to take place within 24 hours. It was further directed that the concerned authorities shall indicate the name

of the officers, in-charge of the task at the relevant time within the time stipulated in the order. The Division Bench of this Court (Coram: Shantanu Kemkar & Nitin W. Sambre, JJ) by order dated 18/7/2018 directed the respondents to file additional affidavit demonstrating compliance of the previous order dated 8/6/2017. It is recorded in the order on the basis of statement made by AGP that in compliance of the order dated 8/6/2017 one officer has been entrusted with the task and name of the said officer shall be disclosed on the next date.

2. Today, affidavit of one Vinod Tukaram Tawde is placed on record wherein it has been recorded that the deponent has been designated as the officer in-charge to coordinate with the Municipal Authorities as well the concerned Traffic Division for removal of unauthorized encroachments as well as preventing illegal parking of vehicles at J.R. Mhatre Marg, Juhu, Vile Parle(W), Mumbai. It is further recorded that whenever any action in accordance with law will be proposed by the respective authorities, necessary police assistance would be provided by the Juhu Police Station and such assistance is provided in past whenever required by concerned authorities.

3. Ms. Puranik, learned counsel appearing for the Municipal Corporation has placed on record communication disclosing that two license inspectors viz., 1.Shri Suresh Kerba Motiram and 2.Shri Paresh Shashikant Mankame have been appointed to conduct the task. They have been provided with one encroachment removal van and four labours for carrying out the task of encroachment removal. It is further recorded that The Central Town Vending Committee and Zonal

Vending Committee is formed and those committees are functional and within 3-4 months the Committees will issue biometric identity cards to the eligible hawkers and all illegal hawkers will be removed permanently. Communication is taken on record and marked "X" for identification.

4. Ms. Puranik, learned counsel for the Municipal Corporation undertakes to file affidavit explaining the present situation as well as reply to the contentions raised in the additional affidavit tendered on behalf of the petitioner today in the Court. Stand over to 16/8/2018.

(V. M. DESHPANDE)

(R.M.BORDE)