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

SUO MOTU PUBLIC INTEREST LITIGATION NO. 71 OF 2013

The High Court on its own Motion. ... Petitioner.

V/s.

The State of Maharashtra
Through the Chief Secretary,
Government of Maharashtra,
Mantralaya, Mumbai & Ors. ... Respondents.

Mr. J.D. Mistry, Amicus Curiae present.

Mr. A.Y. Sakhare, Senior Advocate a/w. Mr. Joel Carlos & Mr. Raviraj Shinde, Ms. Trupti Puranik, Ms. Pooja Yadav a/w. Mr. Rohan Mirpuri for MMC.

Mr. G.W. Mattos, Addl. Govt. Pleader for the State.

Mr. P.P. Chavan i/b. Reshmarani R. Nathani for Respondent No. 7.

Mr. R.S. Apte, Senior Advocate a/w. Mr. M.V. Limaye for Respondent No.4.

Mr. A.M. Sethna a/w. Dhanesh R. Shah for Union of India.

Mr. Kamal Khata i/b. M/s. Rustamji & Ginwala for Respondent Nos.10 to 11.

Mr. Ajai Fernandes a/w. Ms. Sneha Pandey i/b. M/s. Motiwalla & Co. for Respondent No.8

Mr. Rakesh Singh i/b. M/s. M.V. Kini & Co. for NHAI.

Mr. A.A. Garge for NMMC.

***CORAM : DR. MANJULA CHELLUR, C.J. &
N.M. JAMDAR, J.***

DATE : AUGUST 03, 2017.

P.C. :-

The status report in terms of directions of the Court is placed on record by Municipal Corporation of Greater Mumbai.

2. On perusal of the records we note that the problem of potholes not being repaired and maintained in time, is not just restricted to the city of Mumbai, but it exists even outside Mumbai city. In that view of the matter, it is just and proper to implead all Municipal local authorities (Municipal Corporation / Municipal Council). We direct the Registry to implead all the Municipal Councils and Municipal Corporations in the entire State of Maharashtra. We direct Mr.Mattos, Government Advocate to furnish a list of Municipal Councils and Municipal Corporations within the State of Maharashtra, within a week.

3. Our experience shows that in every Public Interest Litigations some Interveners appear for the reasons best known to them, to come on record to either support the case of the Petitioner or support the case of the Respondents, or it could be genuine Interveners as well. If we keep adding Interveners in a matter of this nature, it would be countless. In order to avoid such laborious process we are of the opinion that, a proper mechanism has to be evolved in order to minimise the paper work. Unless the public is aware of pendency of such a petition before the Court, they may not

even know that they could complain such matters to the Court. Even if people have enthusiasm, they may not know how to go about it. Definitely, it is not our intention that every one should become an intervener in the matter.

4. It would be just and proper to have a Nodal office where such complaints could be lodged and such Nodal officer could forward the same to the concerned local authority where the Municipal Council or Municipal Corporation as the case may be, for doing the needful. In that view of the matter, we hereby appoint Principal Secretary of Maharashtra State Legal Services Authority, being the Nodal officer of Mumbai city, and for respective Districts, the Member Secretary / State Legal Services Authority as Nodal officers to that District. Members of public are at liberty to give representations to the concerned Municipal authority for espousing the grievances as regards the potholes and the obstacles which cause accidents on the road and then give a copy to the Nodal officer as indicated above for follow up action. If this process is undertaken we hope to a large extent there will not be a grievance before the Court that a particular complaint is not looked into. Anyone and everyone who intends to bring to the notice of a local authority about the condition of the roads can forward copy of such representation to the Nodal officer and the Nodal officer as indicated above, pertaining to Municipal Corporation of Greater

Mumbai and District wise local authorities, can make a follow up action with the concerned local authority insisting upon the compliance of deficits and then report back to this Court once in two months.

5. We direct the Principal Secretary, Maharashtra State Legal Services Authority, to give this information as a public notice in every local paper in Marathi, Hindi, Gujrati and English languages so far as city of Mumbai and in English and Marathi languages for outside the city of Mumbai.

6. So far as the list of existing pot-holes and other repairs which have to be attended to the roads, we direct the Respondent-MCGM, to look into the matter and place the report after two months. List the matter in the last week of September.

(N.M. JAMDAR, J.)

(CHIEF JUSTICE)