

2nd Aug. 2000

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1.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1722 OF 1998

Avinash Tambe & Ors.Petitioners

VERSUS

Bombay Municipal Corporation & Ors. ...Respondents

WITH

Writ Petitions 5749 of 1998, 1730 of 1998, 1732 of 1998, 1741 of 1998, 1752 of 1998, 1756 of 1998, 1758 of 1998, 1759 of 1998, 1770 of 1998, 813 of 1999, 1821 of 1998, 1826 of 1998, 1838 of 1998, 1842 of 1999, 1875 of 1998, 1885 of 1998, 1890 of 1998, 1891 of 1998, 1894 of 1998, 1897 of 1998, 1900 of 1998, 1902 of 1998, 1903 of 1998, 1905 of 1998, 1968 of 1999, 1994 of 1998, 1996 of 1998, 2001 of 1998, 2031 of 1998, 1993 of 1998, 2099 of 1998, 2102 of 1998, 2324 of 1999, 2314 of 1998, 2357 of 1998, 30 of 1999, 2170 of 1998, 2456 of 1998, 655 of 1999, 643 of 1999, 765 of 1999, 621 of 1999, 671 of 1999, 672 of 1999, 1399 of 1999, 1133 of 1999, 1151 of 1999, 1691 of 1999, 2156 of 1999, 2433 of 1999, 2309 of 1999, 2486 of 1999, 1846 of 1999, 1821 of 1999, 2765 of 1999, 2627 of 1999, 473 of 2000, 886 of 2000, 1343 of 2000, 1771 of 1994, 1201 of 1998 and Writ Petition No. 5749 of 1998 (Appellate Side).

CORAM: B.P. SINGH, C.J., &

N.J. PANDYA, J.

DATE : 2ND AUGUST, 2000.

P.C. :-

1. This batch of Writ Petitions stands disposed of by the common Judgment and Order dated 5th July, 2000. However, we had directed that these matters

be listed before us to consider the manner in which the Municipal Corporation of Greater Bombay proposed to implement our directions.

2. An affidavit has been filed on behalf of the Corporation in which it has been indicated as to the manner in which the Judgment of this Court is proposed to be implemented. We have perused the affidavit which describes the manner in which the Corporation proposes to go about implementing the Judgment and Order of this Court. Some of the steps which the Corporation is required to take are of supervisory nature and in the nature of a continuing process. Certain other steps have to be taken by the Corporation within a time-frame. The Counsel for the Corporation states that it will take about three months for the Corporation to take the concrete steps which are required to be taken.

3. We have also before us some suggestions for the implementation of the Scheme submitted by the Citizens Forum for Protection of Public Spaces. We have perused the suggestions made, a copy whereof has been handed over to Counsel for the Corporation. We are of the view that the Corporation should keep

in mind the suggestions made by the aforesaid forum, and implement the suggestions which are acceptable to it.

4. We grant three months' time to the Municipal Corporation to take necessary steps for implementation of the Scheme.

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5. Counsel for the Corporation has assured the Court that all necessary steps to implement the Scheme pursuant to the aforesaid Judgment shall be taken within three months. We record the statement, and dispose of all the matters/Writ Petitions.

6. We further wish to clarify paragraph 39 of our Judgment. It may be that in matters pending in different Courts, injunctions may have been granted pending finalisation of the Scheme, since the Writ Petitions relating to the Scheme were pending before this Court. Now that the Scheme has been finalised, it would be open to the parties to move applications for dissolving the injunctions in the cases where the injunctions have been granted pending finalisation of the Scheme, but our observations in

paragraph 39 should not be construed so as to mean that all such injunctions shall continue till the disposal of the Writ Petitions. In other cases where such injunctions may have been granted even before the Writ Petitions were filed before this Court, the Courts concerned obviously will consider the matter in the light of this Court's Judgment when the same is brought to their notice. It is not necessary for us to make any general observation, because each case depends on its own facts. In all such cases, the Municipal Corporation shall direct its Counsel to bring the Judgment of this Court to the notice of the Courts concerned.


CHIEF JUSTICE


N.J. PANDYA, J.