

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

PUBLIC INTEREST LITIGATION NO. 36 OF 2016

Mr. Mangesh Namdeo Shelar.

... Petitioner.

V/s.

The State of Maharashtra and Ors.

... Respondents.

Mr. Vijay Patil for the Petitioner.

Mr. P.K. Dhakephalkar, Senior Advocate a/w. R.S. Apte, Senior Advocate a/w. Mandar Limaye for the Respondent - Corporation.

Mrs. M.P. Thakur, Asstt. Govt. Pleader for the State.

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

DATE : JUNE 23, 2017.

P.C. :-

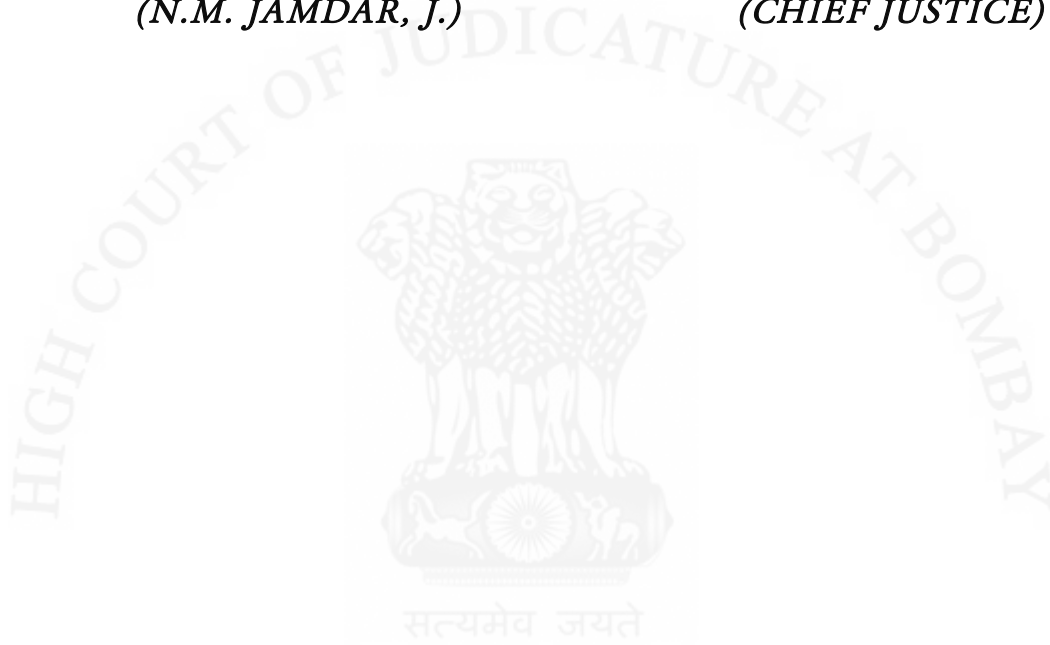
Mr. Dhakephalkar, the learned Senior Advocate appearing for the Respondent – Corporation undertakes to place on record the details pertaining to the number of constructions going on at Ghodbundar Road area in Thane Municipal Corporation limits, whether those construction sites have bore-wells which supplies sufficient water for the construction purpose, whether the construction activity is using the water more than permitted limits

from the Corporation sources and also whether every Ward or area in the Thane Municipal Corporation jurisdiction has one day in a week for maintenance of the water supply mechanism and that day no water is being supplied to that particular area.

2. Stand over one week.

(N.M. JAMDAR, J.)

(CHIEF JUSTICE)



Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

PUBLIC INTEREST LITIGATION NO. 36 OF 2016

Mangesh Namdeo Shelar.

.. Petitioner

Vs

The State of Maharashtra and others.

.. Respondents

None for the Petitioner.

Mr.R.S.Apte – Senior Advocate a/w Mr.Mandar Limaye, for
Respondent No.3.

Mr.A.B.Vagyani – Govt.Pleader a/w Mrs.M.P.Thakur – AGP, for
Respondent-State.

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

DATE : JUNE 9, 2017.

P.C.:

Affidavit in reply is filed by Thane Municipal Corporation. Rejoinder if any, to be filed within one week. List it after one week.

(N.M.JAMDAR, J.)

CHIEF JUSTICE

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO.36 OF 2016

Mangesh Namdeo Shelar.] ... Petitioner

Versus

The State of Maharashtra & Ors.] ... Respondents

Mr. Vijay Patil for Petitioner.

Mr. A. B. Vagyani, Gp a/w Mrs. M. P. Thakur, AGP for State.

Mr. R. S. Apte, Senior Advocate i/b Mr. Mandar Limaye for Respondent No.3.

CORAM :- DR. MANJULA CHELLUR, C.J., &
G. S. KULKARNI, J.

DATE :- 5 MAY 2017

P. C. :-

1. The petitioner is before this Court complaining there is no proper water supply in the area of Ghodbunder Road at Thane which is within Thane Municipal Corporation limit. However, a detailed affidavit from page 62 is filed by the Corporation categorically denying the shortage or deficit of water supply. We are aware of shortage of water within the Mumbai city and the consequential orders granted by the Court with regard to Pune Corporation in PIL 25 of 2016. Definitely, construction activity consumes more water than the normal usage of water. In other words, human beings and other

living objects cannot exist and survive without water. Since people in most part of Maharashtra including Thane are reeling under heat waves, water can be treated as life saving. In that view of the matter, Corporation cannot shirk its responsibility which is statutory in nature. Paragraph 7 at page 64 of the affidavit reads as under :-

“7. I say that it is also pertinent to note that the Corporation issues NOC to the developers for making their own building plan and at the time of issuing Occupation Certificate, I say that the Corporation issued 132 NOCs for 14951 flats into 287 buildings under various buildings and approvals. I say that these NOCs are pertaining to developing area viz. Ghodbunder Road. I say that the Corporation is not forcing the developers to make their own arrangements of water supply and presently Corporation is supplying them drinking water.”

2. In the affidavit of Corporation, they have detailed how developers and builders make their own arrangement for drinking water. It is needless to say that in many of the high-rise buildings, apart from requiring water for construction, subsequent to construction and occupation, no water connections are provided and the occupants are forced to buy water for day-to-day necessities. It is nothing but leaving them to the mercy of the builders. In that view of the matter, we direct the respondent - Corporation not to issue any

Occupancy Certificates as well as Commencement Certificates so far as Ghodbunder Road area, till the next date of hearing.

3. Stand over to 9 June 2017.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 36 OF 2016

Mangesh Namdeo Shelar Petitioner

V/S

The State Of Maharashtra And Ors. Respondent

Vijay Pandurang Patil For Petitioner

Mrs.M.P.Thakur, AGP R.no. 1 For Respondent

**CORAM : THE CHIEF JUSTICE &
G. S. KULKARNI, JJ**

DATE : 31st March, 2017

P.C. :

Stand over to 07/04/2017.

(FOR REGISTRAR JUDICIAL - I)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Public Interest Litigation NO. 36 OF 2016

Mangesh Namdeo Shelar

...Petitioner

Versus

The State Of Maharashtra And Ors.

...Respondents

*Mr.V.PPatil, for the Petitioner.**Mr.R.S.Apte, Senior Advocate with Mr.Mandar Limaye, for the Corporation.**Mrs.M.PThakur, AGP for the State.*

CORAM : **DR. MANJULA CHELLUR, C. J., & G.S.KULKARNI, J.**

DATE : **MARCH 10, 2017**

P. C.

1. At the request of the petitioner, stand over to three weeks.

(G.S.KULKARNI, J.)**(CHIEF JUSTICE)**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 36 OF 2016

Mangesh N. Shelar. ... Petitioner.
V/s.
State of Maharashtra and others. ... Respondents.

Vijay Patil for the petitioner.
A.B.Vagyani, GP with Mrs.M.P.Thakur, AGP for the State.
R.S.Apte, Senior Advocate with Mandar Limaye for respondent No.3.

**CORAM : DR.MANJULA CHELLUR, C.J.
AND G.S.KULKARNI , J.**

DATE : 24th February 2017.

PC. :

Finally, two weeks time is granted to the respondent-Corporation to file affidavit-in-reply, failing which, it shall be taken as nil. Stand over to 10th March 2017.

(G.S.KULKARNI, J.)

CHIEF JUSTICE