



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

PUBLIC INTEREST LITIGATION NO. 6 OF 2018

Sunil Shukla .. Petitioner

Vs.

The State of Maharashtra & Ors. .. Respondents

**WITH
WRIT PETITION NO. 3170 OF 2022
WITH
INTERIM APPLICATION (L) NO. 202 OF 2023**

Binod Agarwal .. Petitioner

Vs.

State of Maharashtra & Ors. .. Respondents

Mr. Royce Samuel i/by Priscilla and Sonali Samuel for petitioner in PIL/6/2018.

Mr. Vinod Agarwal, Petitioner-in-person in WP/3170/2022.

Ms. Jyoti Chavan, AGP for respondent nos.1 & 5 in PIL/6/2018.

Mr. Milind More, Addl. Government Pleader for respondent nos.1 and 2 in WP/3170/2022 & IAL/202/2023.

Ms. Oorja Dhond i/by S. K. Sonawane for respondent nos.2 to 4/MCGM in PIL/6/2018.

Mr. Joel Carlos a/w Ms. Shilpa Redkar for respondent/MCGM in WP/3170/2022.

Mr. Venkatesh Dhond, Senior Advocate a/w Mr. Rohan Kelkar, Mr. Tushar Kakalia, Mr. Zaman Ali for respondent nos.4 and 5 in WP/3170/2022.

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE: 2nd AUGUST, 2023

P.C.:

1. Heard learned counsel for the parties.
2. On 20th July, 2023, noticing lack of coordination between the authorities, this Court directed to conduct a joint meeting of the concerned authorities of the State Government and Municipal Corporation so as to ensure that process of handing over and taking over the roads in Aarey Milk Colony was expedited. The Court had further observed that this meeting would also include authorities from Aarey Milk Colony.
3. Today, learned counsel representing Municipal Corporation as produced before us the minutes of meeting held on 25th July, 2023, which are taken on record. As per the said minutes, it has been decided that a joint site visit shall be undertaken by the Executive Engineer, PWD (Special Project), Deputy Chief Engineer (Roads) WS, Deputy Secretary and Aarey Colony staff on 26th July, 2023. It was further decided that the handing over/taking over process shall start immediately with the approval of the competent authority. Pursuant to the said decision, joint inspection was conducted on 26th July, 2023 and the inspecting team has noticed the condition of the roads.
4. Having regard to the nature of issues involved in these petitions, we are of the opinion that a comprehensive holistic report from a Committee, to be constituted by this Court, be called for so that the problems being faced by the residents of Aarey Milk Colony, as also the environmental concerns may be addressed.

5. Accordingly, we form a Committee which shall comprise of the following: -

- (i) Secretary, Dairy Development Department, Government of Maharashtra.
- (ii) Secretary, Department of Forest, Government of Maharashtra.
- (iii) Secretary (Roads), Public Works Department, Government of Maharashtra.
- (iv) Chief Engineer (Roads), Municipal Corporation of Greater Mumbai.
- (v) One senior level expert/scientist/engineer working in the area of environ protection, with National Environmental Engineering Research Institute (NEERI), Nagpur to be nominated by its Director.
- (vi) Chief Executive Officer, Aarey Milk Colony.

6. Coordination amongst the Committee members shall be facilitated either by the Secretary, Department of Forest or by the Secretary, Dairy Development Department, whichever is senior amongst them.

7. The terms of reference of the aforesaid Committee shall be as follows: -

- (a) The Committee shall study the conditions of the roads, if required by paying a spot visit.
- (b) The Committee shall also suggest a road map for repair/reconstruction of the roads taking into account all environmental concerns, including whether all or any of the roads would fall within the Eco-Sensitive Zone.
- (c) The Committee shall also, in its report, suggest the flow of funds for repair/reconstruction of the roads which are subject matter of both these petitions.

8. We request the members of the Committee to complete the survey work and submit a report to this Court by the next date of listing.

9. The officers in their meeting held on 25th July, 2023 have also decided that Executive Engineer, PWD (Special Project) shall maintain the roads and keep them in motorable condition by attending the potholes during monsoon, even if the roads are handed over to the Municipal Corporation.

10. We, thus, direct that repair work of the road from Aarey Market to Mayur Nagar shall be undertaken by the PWD at the earliest and it shall be made motorable. However, repair would not mean reconstruction of the road using concrete. Since the repair work of this road, which is 1.5 Km. in length will require some funds, we direct that necessary funds shall be provided by the State Government in the concerned department.

11. List these petitions on **13th September, 2023**, by which date we expect that the Committee shall complete its task as aforesaid and submit its report through the learned Government Pleader.

12. This order shall be communicated to all concerned by the learned counsel representing the parties and in addition, Registry of this Court shall communicate this order to the Director, NEERI at Nagpur and to each of the members of the Committee formed above.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)