

MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

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SHRC/VGM/02/2009/ 830

Case No. - 869/2006-07

Name of the Complainant : Chogalal D Rathod
C/o. Rathod Chemicals Industries
4, Shri Krishna Estate, S V Road,
Nr. Wireless Station, Dahisar (E),
Mumbai - 400 068.

Vs.

1. The Chief Officer
MMRDA,
Bandra Kurla Complex,
Bandra (E), Mumbai.
2. The Municipal Commissioner
Brihan Mumbai Municipal
Corporation, Mumbai.

Date : 27 February 2009 ✓

Coram : **Justice V G Munshi, Member**

ORDER

Read the averments made in the complaint and the reply received from Respondent MMRDA and Respondent BMC, Mumbai. Read the case papers. Heard the parties.

2. The complainant is resident of Dhaisar, Mumbai. The Respondent MMRDA has taken up the work of road widening and construction of S V Road from Dahisar to Bandra. It was the grievance of the complainant that the said work is still incomplete and therefore, it caused great inconvenience not only to the residents of that area but to the persons and vehicles passing by the road. Secondly, according to the complainant



the Respondent MMRDA, Mumbai did use sub-standard material in said construction. Thirdly, the contractors have joined hands with officers and officials of the Respondent MMRDA, Mumbai and other Authorities. In the last he moved the Commission for necessary action in this matter.

3. In mean time during the pendency of these proceedings, the complainant moved another complaint dated 05.01.2007. It mentions that the Firm of the complainant is doing business near S V Road (Dahisar East) for last more than 25 years. The Respondent MMRDA started the work of construction of drainage on 01.02.2005. The Respondent MMRDA constructed footpath above the drainage. According to the complainant, the Respondent should have constructed the footpath on the same level of shop premises. It was the grievance made by the complainant, that the construction was made in such a manner, so that the shop premises of the complainant went on lower level by two feet from footpath. It caused great inconvenience to the complainant, while doing business in these premises. The rain water enters in the shop premises and it causes damages to the property. He prayed that the Respondent BMC, Mumbai should give him permission to reconstruct shop premises on higher level.

4. The Respondent by filing their reply denied and disputed all these things. According to them the site was inspected on 13.06.2008 and it was found that inspite of heavy rains there was no sign of water stagnation. It was added that, the water was discharged in the adjoining matter as in the past.

5. According to the Respondent, before the work was started drains were not provided along with the road, footpath. The floor level of the shop of the complainant was below the existing road level. The shop of the complainant and other adjoining shops were not constructed as per approved plans. The rain water from these structures was discharged in adjoining nala, which flows at sufficient lower level. We have to view the case of the complainant on this back ground.

6. The Record shows that and there cannot be any difference of opinion on the point that the footpath is constructed at higher



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level than of shop premises. Therefore, there is reason to believe that the complainant is getting inconvenience as pointed out above, because of the construction of footpath. The complainant cannot be compelled to bear such inconvenience all the while, and when he showed his willingness to reconstruct shop premises at higher level. In view of this situation, I think it proper to make following recommendations.

(A) The Respondent Mumbai Metropolitan Region Development Authority, Mumbai to complete the construction work of the road as early as possible.

(B) The Respondent Brihan Mumbai Mahanagar Palika, Mumbai to consider the prayer of the complainant for reconstruction of shop premises, sympathetically and to do the needful according to law.

(C) Copy of this order be sent to Respondent MMRDA, Mumbai and Respondent BMC, Mumbai through Secretary, Maharashtra State Human Rights Commission, Mumbai for information and necessary action according to law.

With these recommendations the Case No. 869/2006-07 is disposed of accordingly.

Dated : 27 February 2009



V. G. Munshi
(Justice V G Munshi)
Member, SHRC