

महाराष्ट्र राज्य मानवी हक्क आयोग



**Maharashtra State Human Rights Commission
(MSHRC)
Mumbai**

Allotted to Court No. : 1/ 2/ 3
DOCKET SHEET

SUO MOTU CASE NO: 4399/13/16/2022

News item appeared in Marathi Newspaper (Lokmat) on 9TH
November, 2022 "पवई उद्यान आहे की भंगारचे दुकान ?" Mumbai.

Case to :- Hon'ble, Justice K.K.Tated, (Retd.).
Date of allotment :- 09.11.2022

SUMMARY

4399/18/16/2022

लोकमत 9-11-2022

होम मंडई Page No-3

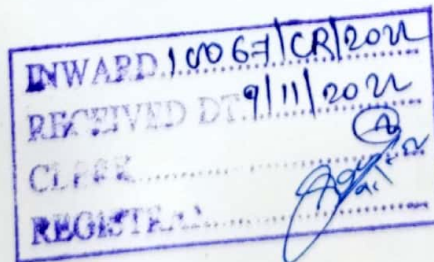
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पवई उद्यान आहे की भंगारचे दुकान?



लोकमत न्यूज नेटवर्क
मुंबई : मुंबई शहर आणि उपनगरांतील उद्याने, मैदाने वाचविण्यासह त्यांच्या सुशोभीकरणासाठी महापालिका सातत्याने प्रयत्न करीत असतानाच दुसरीकडे पवई उद्यानाची अवस्था आजघडीला अत्यंत दयनीय झाली आहे. उद्यानाची देखभाल दुरुस्ती नीट होत नसून समाजकटकांकडून उद्यानाची नासधूस केली जात आहे. त्यामुळे पर्यावरण क्षेत्रात काम करणाऱ्यांनी याबाबत नाराजी व्यक्त केली आहे. शिवाय उद्यानाच्या देखभाल दुरुस्तीकडे प्राधान्याने लक्ष द्यावे, अशी मागणी देखील केली आहे.

पर्यावरण क्षेत्रात काम करणाऱ्या व्यक्तींकडून मिळालेल्या माहितीनुसार, पवई उद्यानाची अवस्था अत्यंत दयनीय झाली आहे. झुडपांमुळे मुख्य प्रवेशद्वाराची अत्यंत वाईट अवस्था झाली आहे. येथील साहित्याची चोरी झाली आहे. उद्यानातील एकही स्ट्रीट लाईट अखंड नाही. त्याची तोडफोड करण्यात आली आहे. त्यातील दिवे काढून नेण्यात आले आहेत. उद्यानातील शौचालय गेल्या पाच ते दहा वर्षांपासून बंद आहे. अत्यंत गलिच्छ अवस्थेत असलेल्या शौचालयात नळ नाही, अशी परिस्थिती येथे आहे.





MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Maharaj Terminus, Mumbai – 400 001

Tel : 22092857 Email:- court1-mshrc@mah.gov.in

KKT/Suo Moto Case No. – 4399/13/16/2022

Name of Respondent : The Municipal Commissioner
Municipal Corporation of Greater Mumbai
Mumbai

Date : 9th November 2022

Coram : Justice K.K. Tated, Chairperson

PROCEEDING

Not on board. Taken on board.

2. We noticed news appeared in Marathi News paper Lokmat dated 09.11.2022 on Page 3 (Hello Mumbai) under caption "पवई उद्यान आहे की भंगारचे दुकान?".

3. It is stated in the said news that Municipal Corporation of Greater Mumbai failed and neglected to maintain Powai Garden for last several years. Not only that even WC are in dilapidated condition, not a single street light in the said garden is working. Entire garden space is used to store scrap material. This is very unfortunate in Powai locality, Corporation failed and neglected to maintain the garden which is essential for public at large to maintain their health and peace. If it is not maintained properly that amounts to a violation of human rights.

4. Considering these facts the following order is passed:

a) Office is directed to issue summons to the Municipal Commissioner, Municipal Corporation of Greater Mumbai,

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Mumbai calling upon him to file his affidavit on or before 18.11.2022 on following points:

- i. When the Powai garden as described in the news dated 09.11.2022 constructed?
 - ii. Who is maintaining the said garden?
 - iii. How many gardeners are appointed to maintain this particular garden?
 - iv. Who is storing scrap material in the said garden
 - v. What is the present condition of WC in the said garden along with photograph
 - vi. How many street lights are provided in the said garden? Whether those are in working condition, if it is not in working condition, since when same is not working?
 - vii. What about the fencing and boundary wall of the said garden?
 - viii. The name of the person and designation who is supposed to maintain and take care of this garden.
- b) Matter to appear on board before Division Bench of Justice K.K. Tated, Chairperson and Shri. M.A. Sayeed, Member in Court No.1 on 18th November 2022 at 11.00 a.m.**


(Justice K. K. Tated)
Chairperson



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9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Maharaj Terminus, Mumbai - 400 001

Tel : 22092857 Email - court1-mshrc@mah.gov.in

DIVISION BENCH

Suo Motu Case No.- 4399/13/16/2022 3432

Name of Respondent : Municipal Commission,
Municipal Corporation of Greater
Mumbai, Mumbai

Date : 15th June 2023

Coram : Justice K.K. Tated, Chairperson
M.A.Sayeed, Member

ORDER

(Per: Justice K. K. Tated, Hon'ble Chairperson)

Advocate appearing on behalf of Corporation filed affidavit dated 15.06.2023. Same is marked as Ex. 'C'.

2. This suo motu complaint initiated on the basis of news appeared in Marathi newspaper dated 09.11.2022 with heading "पवई उद्यान की भंगाराचे दुकान". After summons to the Corporation, they filed affidavit Ex. 'A' Ex. 'B' & Ex. 'C'.

3. In Ex. 'B' it is stated that they spent approx Rs. 3.5 lakhs to carryout minor repairs. Para 2, 3, 4 of Ex. B' reads thus:

"2. I say that, earlier W. C. was in the damaged condition however the Respondent has carried out the minor repairing and painting work. I say that the respondent has appointed the person for cleaning for toilet on the regular basis. I say that the overall

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cleaning of the W. C. is carried out regularly. The painting work of toilet block is completed. I further say that beautification done by planting shrubs and raising lawn around toilet block.

3. I say that watering to plant is done regularly by the employee of Asst. Engineer (Outside City) Trunk Main. Hereto annexed and marked the copy of photograph of present condition of garden area as an Annexure I colly.

4. I say that the approximately Rs.3.5 lakhs is spent by the respondent to carry out minor as well as the major work in the toilet and also flood lights, non working light fixtures are repaired and replaced. I further say that other minor work also carried out by this department. Hereto annexed and marked the copy of expenditure as an Annexure II colly."

In Ex. 'C' they stated that they decided to carry out renovation of entire garden. Para 6 of the affidavit reads thus:

"6. I say that the Powai Garden is proposed for beautification work including civil, electrical and mechanical work. I say that for the said work BMC has invited the tender on dt. 19/05/2023 and process of opening of packet A, B is completed for civil work and after these the lowest bidder will be appointed by the BMC and then work order will be issued soon for following work.

Civil Work/Scope of Work:-

1. Repairs to damaged MS grill over surrounding compound wall and restoration of compound wall.
2. Replacing damaged MS gates.
3. There is one public toilet which is situated in this park area. The park was closed for almost 02 yrs. during Covid-19 pandemic. Therefore, this toilet remained non-functional & internal pipe fittings, basin, doors etc. were damaged by thieves/anti-social elements. Now recently this park is opened for public after long time. The public toilet which is inside this park is needed to be opened by carrying out necessary repairs works. Therefore, Repairs to the

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toilet block completely and maintaining cleanliness of the same for 03 yrs is proposed in this work.

4. Walking pathway is settled at many locations which needs to be repaired.

5. Repairs to the water tank to provide sufficient water for gardening use.

6. The construction of compound wall is proposed at some portion of periphery of garden along Saki-Vihar road.

7. Developing open plot for municipal school students as play area and waiting area near Passpoli Municipal School.

8. Providing facilities of drinking water, providing benches for sitting, repairing damaged sitting stone tiles Renovation of security cabins etc.

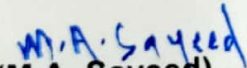
Contract Period: 1 Year civil repair work + 3 years operation and maintenance of toilet block.

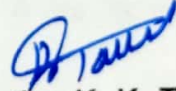
The copy of scope of work and tender notice is attached herewith as an Annexure III. "

4. Bare reading of the Exhibits 'B' & 'C' we satisfy that Corporation has taken appropriate steps to maintain the garden. In view of these facts following order is passed:

"ORDER"

a) The present Suo Motu case stands closed and disposed off in view of Ex. "B' & 'C'.


(M.A. Sayeed)
Member


(Justice K. K. Tated)
Chairperson