

19/4/2023
7/6/2023
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महाराष्ट्र राज्य मानवी हक्क आयोग



Maharashtra State Human Rights Commission (MSHRC) Mumbai

DOCKET SHEET

SVO MOTU CASE: 1516/13/16/2023

News item appeared in Marathi news Paper "Lokmat (Hello Mumbai)"

On 31.03.2023, in respect of "साडेसात कोटी खर्चून बांधलेले उद्यान खासगी संस्थाना आंदण"

SUMMARY

लोकमत (हळी मुंबई) 1516/13/16/2022

31-3-2023 Page 3

साडेसात कोटी खर्चून बांधलेले उद्यान खासगी संस्थांना आंदण प्रशासनाचा वचक राहिला नसल्याचा नागरिकांचा आरोप

लोकमत न्यूज नेटवर्क
मुंबई : गोरेगाव पूर्व फिल्मसिटी मार्गालगत महापालिकेच्या भूखंडावर सुमारे साडेसात कोटी खर्च करून बांधलेले आरे भास्कर उद्यान खासगी संस्थांना आंदण दिले आहे का, असा प्रश्न स्थानिकांना पडला आहे. उद्यान खासगी योगा झुम्बा डान्ससाठी देण्यात येत असताना महापालिकेचा कोणताच वचक या महापालिकेच्या उद्यानावर नाही, असे चित्र आहे.

उद्यानातील पदपदाचे पृष्ठभाग गुळगुळीत व खडे झाल्याने वृद्धांना चालताना धोकादायक ठरू शकतात. उत्कृष्ट उद्यान पुरस्कारप्राप्त हेच ते उद्यान का, असा प्रश्न नागरिकांना पडला आहे. उद्यानाच्या प्रवेशद्वारावरील उद्यानाचा नामफलक दिसून येत नाही. परंतु, उद्यानात चालणारे खासगी योगा झुम्बा डान्स आर्ग्यूसारखे खासगी क्लासेसचे बोर्ड प्रवेशद्वारावरील गेटवर दिसून येतात. दुरुस्तीच्या नावाखाली बोर्ड लावून



गोरेगाव येथील याच उद्यानावर कोट्यवधी खर्च करण्यात आले आहेत.

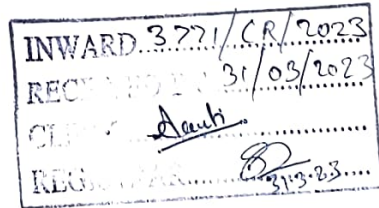
पालिकेचे दुर्लक्ष

मनपा पी. दक्षिण विभागाचे याकडे दुर्लक्ष असल्याचे दिसून येत आहे. मुंबईतील उद्याने संस्थांच्या जवळपास मुक्त केव्हा होणार याकडे मुंबईकर वाट पाहत आहेत. मनपा संस्थांच्या ताब्यातील उद्याने, क्रीडांगणे ताब्यात पुन्हा घेणार होती. मनपा सहायक आयुक्त राजेश आर्के यांना विचारले असता लक्ष घालून समस्या सोडविण्याचे आश्वासन दिल्याचे संदीप सावंत यांनी सांगितले.

नागरिकांना प्रवेशबंदी केली जाते. परंतु, दुरुस्ती न करता उद्यान चित्रीकरणासाठी भाडेतत्त्वावर देण्यात येते.

वालभट नदीच्या पात्रात जमा

होणारा कचरा टाकून जाळला जातो. मनपा विभागातील गृहनिर्माण संस्थांना कचरा व्यवस्थापनाचे धडे देते. परंतु, मनपाच्या उद्यानांमध्ये कचऱ्याचे योग्य व्यवस्था न करता जाळला जातो.



3771/CR/2023

1516/13/16/2023



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.– 1516/13/16/2023

Name of Respondent : 1 The Municipal Commissioner
Municipal Corporation of Greater Mumbai
Mumbai

Date : 31st March 2023

Coram : Justice K.K. Tated, Chairperson

PROCEEDING

Not on board. Taken on board.

1. We noticed article appeared in Marathi News Paper Lokmat (Hello Mumbai) dated 31.03.2023 on Page 3 with title “साडेसात कोटी खर्चून बांधलेले उद्यान खासगी संस्थाना आंदण; प्राशासनाचा वचक राहिला नसल्याचा नागरिकांचा आरोप”.

2. It is stated in the said article that at Goregaon near Film City there is a Municipal Garden constructed by spending more than Rs. 7,50,00,000/- (Rupees Seven Crores Fifty Lacs Only) for that public at large. Nowadays, the said garden is used by private institutions to conduct their Yoga Class, Zumba and Dance etc. Even the said garden is not maintained by the Corporation.. Instead of Municipal Corporation's Board private institutions fixed their board in front the said garden. That is clear in the photograph published in news paper. Not only that they are burning the garbage in the said locality which is affecting the public those who are residing in that vicinity. This

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itself shows that the Corporation is violating the human rights of several people.

3. In view of the above mentioned facts we decided to take up this issue by Suo Moto complaint under Section 12 of The Protection of Human Rights Act, 1993 because same is affecting human rights of the public at large. Hence, following order is passed:

- a) Office is directed to issue Summons to the Municipal Commissioner, Municipal Corporation of Greater Mumbai calling upon him to hold fact finding inquiry and submit his affidavit on or before 19.04.2023.
- 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 19th April 2023 at 11.00 a.m.**


(Justice K. K. Tated)
Chairperson



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION
g. 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. - 1516/13/16/2023 / 3480

Name of Respondent

: Municipal Commissioner
Municipal Corporation of Greater
Mumbai, Mumbai

Date

: 07th June, 2023

Coram

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

ORDER

(Per: M. A. Sayeed, Hon'ble Member)

In the present matter, considering the gravity of news article in Marathi newspaper 'Lokmat' (Hello Mumbai) of 31.03.2023, reporting about the blatant misuse of municipal garden at Goregaon near Film City for various commercial activities, by displaying the promotional boards, at the entrance of the garden suo motu cognizance was taken u/s. 12(a) of the Act of 1993.

2. Report by way of affidavit Ex. 'A' & 'B' came to be placed on record by Law Asst. Valvi. We have gone through these affidavits and the documents annexed with it. Pertinent to note that from perusal of paras 4 & 5 of the affidavit Ex. 'B' dated 07.06.2023, affirmed by Shri Pravin G. Gosavi, Dy. Superintendent of Garden (Zone IV), it

emerges that urgent rectifying steps for ongoing commercial activities in the garden came to be stopped completely, and the promotional display banners also came to be removed. It is further assured that a proper vigilance would be maintained in the garden to ensure that no such activities are resumed by the organizers. For the sake of clarity para 4 & 5 of the affidavit are reproduced in verbatim as under:

"4. I say that, accordingly, after visiting Garden site by the concern officer of this office on dt. 05.06.2023 it was noticed that, no commercial activities like Zumba dance & Yoga training are being organize by the M/s. Aarey Bhaskar Sports & Welfare Centre. It was also noticed that no advertisement/boards/banners showing Garden is available on hire for conducting Zumba dance, Yoga training and other commercial activities found display at entrance of Garden. The photographs of the same are enclosed herewith as Annexure II.

5. I say that, the garden department will take regular inspection to keep watch upon the all activities inside the garden and also undertake to take action if any illegal activities found in future."

These statements are supported with the photographs of the garden in question.

3. Thus, we are satisfied with the damaging control steps taken by the corporation. Hence following order:

"ORDER"

a) Present suo motu case stands closed and disposed off with no order as to cost.


(M.A. Sayeed)
Member


(Justice K. K. Tated)
Chairperson