

महाराष्ट्र राज्य मानवी हक्क आयोग



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

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

SVO MOTU CASE NO: 4202/13/20/2022

News item appeared in English Newspaper (Mid-day) on 18th October, 2022

"GIVE US A RECREATION CENTRE: VASHI SENIORS" Navi Mumbai.

Case to :- Hon'ble, Justice K.K.Tated, (Retd.).

Date of allotment :- 19.10.2022

SUMMARY

Give us a recreation centre: Vashi seniors

Senior citizens' forum demands that construction restarts on the centre in Vashi's Sector 17 garden that was stopped by the NMMC two years back; civic body suspended work allegedly after objection from a Congress leader



The structure for the centre inside Meenatai Thackeray Garden in Vashi Sector 17. PIC/SAMEER MARKANDE

SAMEER SURVE

sameer.surve@mid-day.com

AFTER an objection to the construction of a recreation centre in its garden, the Navi Mumbai Municipal Corporation (NMMC) stopped building one in Vashi Sector 17 two years back. However, a senior citizens' forum from Sector 17 has demanded construction be restarted, as they are facing issues due to the absence of the recreation centre.

"The NMMC had begun construction on a recreation centre in Meenatai Thackeray garden. But after construction began in 2019, it was stopped," said former corporator Sampat Shewale.

He said the centre is around 500 square feet and its cost of construction is ₹25 lakh. "It will have facilities like washrooms, a library and facility for games like carrom. Every day, more than 400 senior citizens go on walks in the garden. They are facing problems, as there is no toilet facility here," said Shewale.

A local resident said, "There are 35 recreation centers for senior citizens in NMMC gar-



'Every day, more than 400 senior citizens go on walks in the garden. They are facing problems, as there is no toilet facility here'

Sampat Shewale, former

Shewale said the Sector has around 3,500 senior citizens. "Most of them live alone as their children work in other cities. This recreation centre can help them spend their time," another local resident said.

"We have followed up with the NMMC repeatedly. However, the work has not restarted yet. There is a recreation centre in every sector of NMMC in its gardens. But it has stopped work only of this centre," said Niranjan Desiger, president of Maharaja Senior Citizens' Forum, which has appealed to NMMC to resume construction of the centre.

"According to NMMC rules one recreation centre can be built in an area of 2 square kilometers. There are 3 recreation centers nearby. Even local people are opposing this recreation center. The garden space is limited. After the construction of the recreation centre, it will be reduced. They should choose another location to construct a recreation centre," said Congress leader Anil Kaushik, who opposed the recreation center in the garden.

City Engineer of NMMC Sanjay Desai was unreachable

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MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

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

Tel : 22092837 Email - court1-mshrc@mah.gov.in

KKT/Suo Motu Case No.- 4202/13/20/2022

Name of Respondent

The Commissioner of Navi Mumbai
Municipal Corporation, Navi Mumbai.

Date

20.10.2022

Coram

Justice K.K. Tated, Chairperson

PROCEEDING

Not on board. Taken on board.

2. We noticed news in English News Paper Mid-day dated 18.10.2022 with heading "Give us a recreation centre: Vashi seniors".

4. It is stated in the said news item that, every day more than 400 senior citizens go on walks in the garden. They are facing problems, as there is no toilet facility here. However, in 2019 construction of recreation centre was stopped as objection was taken by some leader who opposed the recreation centre in the garden. Considering these facts the following order is passed:

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- a) Office is directed to issue summons to the Commissioner of Navi Mumbai Municipal Corporation directing him to hold inquiry and file their say on or before 30.11.2022.
- b) Matter to appear on board before Division Bench of Justice K.K. Tated, Chairperson and Shri. Bhagwant More, Member in Court No.1 on 30.11.2022.

sd/-
(Justice K. K. Tated)
Chairperson



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

DIVISION BENCH

KKT/Suo Moto Case No.- 4202/13/20/2022

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

Name of the Intervener : Mr. Anil Omprakash Kaushik
So Best Services
101, Apsara CHS, Ltd.
Plot No.51, Sector 17,
Vashi, Navi Mumbai
Email : anilkaushik.712@gmail.com
Mobile No. 80808 57878

Date : 13th March 2023

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

PROCEEDING

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

Advocate Vishal Shirke for Navi Mumbai Municipal Corporation is present.

Advocate Vallari Jathar with Mr. Anil Kaushik for Intervener is present.

1. The present suo moto initiated on the basis of news appeared in English dated 18.10.2022 under heading "Give us a recreation centre : Vashi seniors".

2. Pursuant to the notices issued to the Corporation they filed their affidavits and stated that they have already given contract to M/s. So Best Services to complete the remaining work.

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3. Today Advocate for Corporation filed affidavit dated 11.03.2023 of Mr. Somanth Kekan, Asst director of Town Planning, Navi Mumbai Municipal Corporation stating that whatever construction they are doing is within four corners of law. He relied on para 7,9 and 10 of Ex. E which reads thus:

"7. I further say that the total area of the Meenatai Thakarey garden is 8026.56 square metres. The total proposed construction of the recreation centre is about 45.44 metres."

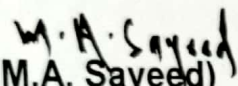
"9. I further say that the total area of construction of the recreation centre is 45.44 square metres and the total area of the garden is 8026.56 square metres. Thus, the total area of the proposed recreation centre is roughly 0.56% of the total area of the garden. This falls well within the prescribed limit of 1% provided for in the DCR. Thus, the entire construction falls well within the parameters of law as prescribed in the DCR."

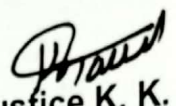
"10. I further say that the garden also has an existing gazebo (which is open from all sides and has FRP sheet roofing) admeasuring 34.19 square metres. The garden also has a small Niwara shed which is admeasuring 17.01 square metres. There is also a small moveable watchman's cabin which admeasures 3.40 square metres. All three of these structures are temporary in nature. There are no walls to the Gazebo and the Niwara shed. They only consist of fibre sheets for the roof in order to protect the senior citizens from rain and harsh sunlight. Copies of photographs in this regard are annexed hereto and marked as Exhibit-C (Colly)."

4. On the other hand Mr. Kaushik vehemently opposed these facts. He submits that Corporation is misguiding the Corporation.

5. I don't think any further investigation is required. The Intervener is at liberty to take appropriate, action against Corporation according to law. Now nothing survives in the present complaint. Hence, following order is passed:

- a) Suo Moto case stands closed and disposed of with liberty to the Intervener as stated hereinabove.


(M.A. Sayeed)
Member


(Justice K. K. Tated)
Chairperson