



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI
9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Maharaj Terminus,
(CSMT) Mumbai – 400 001



Tel : 022-22092857

E-mail: court1-mshrc@mah.gov.in

DIVISION BENCH

AMB/Suo Moto Case No. – 4272/13/30/2022 c/w. / 1843
Suo Moto Case No. 842/13/30/2024

Suo Moto Case No. 4272/13/30/2022

Name of Respondent

- :1 The Additional Chief Secretary
Public Works Department,
Mantralaya, Mumbai
- 2 The Municipal Commissioner
Bhiwandi Nizampur City Municipal
Corporation
Thane
- 3 The Collector
Thane
- 4 The Managing Director
Mumbai Metropolitan Regional
Development Authority
Mumbai
- 5 The Additional Chief Secretary
Urban Development Department
Mantralaya, Mumbai
- 6 The Chief Secretary
State of Maharashtra
Mantralaya, Mumbai

Name of the Intervener

: Ashok Motilal Jain

Suo Moto Case No. 842/13/30/2024

Name of Respondent

- :1 The Municipal Commissioner
Bhiwandi Nizampur City Municipal
Corporation
Thane
- 2 The Superintendent of Police
Thane (Rural)
- 3 The Collector
Thane

4 The Managing Director
Mumbai Metropolitan Regional
Development Authority
Mumbai

Date

: 15th July 2025

Coram

: Justice A.M. Badar, Chairperson
Mrs. Justice Swapna Joshi, Member

ORDER

(Per: Justice A. M. Badar, Hon'ble Chairperson)

Following parties are present:

Advocate Kavita Solunke for Mumbai Metropolitan
Regional Development Authority through Video Conferencing

Advocate Punit Shah for Intervener Ashok Jain

Advocate Tariq Momin for Bhiwandi Nizampur City
Municipal Corporation

Shri. Haresh Mhatre, Dy. Engineer, Bhiwandi Nizampur
City Municipal Corporation

1. This is a suo moto proceeding initiated by the Commission by taking cognizance of the newspaper reports wherein it is alleged that because of bad condition of roads and dangerous spots at Bhiwandi town, 61 accidents leading to death of 24 people is caused.

2. After taking cognizance of the matter several authorities of the State including the concerned department of the State of Maharashtra were summoned.

3. Record shows that suo moto cognizance has also led to filing of complaint by Shri Ashok Jain alleging therein that there are several problems which are being faced by the residents of

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Bhiwandi City including that of water supply, bad condition of road, uncleanliness of gutter and drainage system etc. The said complaint was also merged in the instant complaint.

4. Several reports are received from time to time and this simple case of taking suo moto cognizance against the Municipal Corporation has turned into a bulky record asking us to monitor each and every street and locality of the Bhiwandi town as well as works conducted by the Municipal Corporation from their own funds as well as from the funds provided by the State and Directorate of Municipal Administration.

5. After hearing all the parties concerned we are of the opinion that continuous monitoring of day to day work of the Municipal Corporation and its departments like Health Department, Electricity Department and Public Works Department is not expected from this Commission.

6. In response to our order the Municipal Corporation has placed on record affidavit in reply along with several documents. It is averred therein that work of repairs and construction of roads is in progress and it would be completed soon. Out of work of 31 roads construction work of 29 roads is complete and remaining 02 roads are in good condition. There is provision for concretization of the same. The affidavit further states that there was joint inspection of roads as per order of this Commission and thereafter work is nearly at completion stage. So far as garbage, sewage and drainage is concerned the affidavit states that the same is being cleaned and cleared by the Corporation and photographs thereof are also placed on

record. We accept all the statements made in the affidavit dated 14.07.2025 as true and correct.

7. Equality before law is the basic principle and we cannot insist that funds in excess of that which already allocated should be made available for civic work of the Bhiwandi Nizampur City Municipal Corporation. Such decision is purely a policy and administrative decision which is to be taken by the experts. We cannot substitute our wisdom to the wisdom of the Corporation in such matters requiring policy decisions. However, in order to see whether the Municipal Corporation is serious in addressing the issues of the residents of the town we had called for the budgetary allocation meant for works in respect of provisions for civic amenities to the residents. In response, the Municipal Corporation has provided the details along with affidavit of Anmol Sagar, Administrator / Commissioner of Bhiwandi Nizampur City Municipal Corporation. It deals with civic works undertaking in the year 2024-25 by the said Corporation. It shows that in all 452 works relating to provisions of civic amenities were undertaken by the Municipal Corporation with budgetary allocation of Rs.1,360,572,847/-. The Municipal Corporation, as stated, is successful in completing all these 452 works by spending an amount of Rs.1,194,983,532.24, thereby saving funds of Rs.165,589,314.76. This chart annexed to the affidavit of the Municipal Commissioner thus, shows that all works which were under taken as per budgetary allocation, were completed by the Municipal Corporation. There is no reason to disbelieve duly



sworn testimony of the officer of the rank of the Municipal Commissioner, as official acts are regularly done is a wise principle of law even recognized by the legislature.

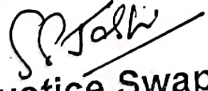
8. Municipal Acts always provide for statutory and discretionary duties of the Corporation and such duties are not mandatorily enforceable. In the case in hand, it is seen that whatever works which were sanctioned, were undertaken and are duly completed by spending requisite amount on the said work by the Municipal Corporation. In such situation we cannot undertake roving and fishing inquiry as to whether particular portion of the locality or particular road is uncleaned or unmaintained. It is a continuous work and we hope and trust that Municipal Corporation shall immediately address any lapses found by the residents of the Municipal Corporation including the Intervener and the complainant Shri. Ashok Jain immediately without making it a prestige issue. Shri. Ashok Jain, the complainant is free to point out the roads and localities in Bhiwandi town requiring immediate attention of the Municipal Corporation and the Municipal Commissioner shall, subject to the budgetary allocations, address those issues with diligence. Ultimately, it is job of the Corporation to make city habitable with provisions of at least minimum civic facilities as per the budgetary provisions.

9. During hearing of the matter, a grievance sought to be raised on behalf of the Intervener that a road constructed month back is again unfunctional because of poor quality of the work. If that is so and if it is suspected that the quality is not

maintained while constructing the road, the parties are free to approach appropriate authority to set the law in motion. We inquired on this aspect but unfortunately, we noted that such a grievance is not made before the Municipal Corporation prior to making such allegations before this Commission directly. If the Municipal Corporation gets such grievance from any of the resident, it shall be duly addressed by the Corporation, if necessary by getting the quality of the work tested by the Quality Control Laboratory. We note that any element of criminality, if found, shall be dealt with appropriately by either Municipal Corporation or by any person because criminal law can be set in motion by anybody.

10. We with these recommendations the suo moto proceedings stands disposed of, with liberty to the complainant to approach this Commission in the event of failure by the Corporation to adhere to these recommendations or for further fresh cause of action.

11. Learned Secretary attached with this Commission is directed to comply with the provisions of Section 18 (e) of the Protection of Human Rights Act, 1993.


(Mrs. Justice Swapna Joshi)
Member


(Justice A. M. Badar)
Chairperson

11-2-2024

भिवंडी में 7 खतरनाक जगहें, 61 हादसे और 24 लोगों की मौत

■ निज संवाददाता, भिवंडी: भिवंडी शहर और ग्रामीण इलाकों में ट्रैफिक जाम की समस्या गंभीर हो गई है। मनपा क्षेत्र की मुख्य सड़कों के साथ ही आंतरिक सड़कें खराब स्थिति में हैं। सड़कों की खराब स्थिति के कारण दुर्घटनाएं दिन-ब-दिन बढ़ती जा रही हैं, जिनमें कई लोग जान गंवा चुके हैं। भिवंडी में ऐसी 7 खतरनाक जगहें हैं, जहां हुई 61 दुर्घटनाओं में पिछले साल 24 लोगों की मौत हो चुकी है।



बता दें कि ग्रामीण इलाके में एक बड़ा वेयरहाउस बेल्ट है, इसलिए भारी वाहनों की आवाजाही रहती है। यहां जो 7 खतरनाक जगहें हैं, उनमें मुंबई-नासिक महामार्ग स्थित मानकोली नाका, दिवेगांव, खारेगांव ब्रिज, कशेली ब्रिज, पिंपलास फाटा, धामनकर नाका और राजनोली नाका शामिल हैं। यहां ज्यादातर दुर्घटनाएं रात 12 बजे से सुबह 3 बजे के बीच हुई हैं। वाहन चालकों का कहना है कि रात के समय ज्यादातर दुर्घटनाएं सड़कों पर हुए गड्ढों के कारण हुई हैं। इसके अलावा, शहर के

वेंजारपट्टी नाका से चाविंद्रा और नदी नाका से शेलार के बीच भी कई दुर्घटनाएं हुई हैं। 2023 में मानकोली नाका पर 14 दुर्घटनाएं हुई थी, जिनमें 6 लोगों ने जान गंवा दी और कई घायल हो गए थे। इसी तरह, से मुंबई-नासिक राष्ट्रीय महामार्ग स्थित दिवे गांव में 9 दुर्घटनाएं हुई थी, जिसमें घटनास्थल पर ही दो लोगों की मौत हो गई थी। उसी के पास ही खारेगांव ब्रिज के पास 7 दुर्घटनाएं हुई थी। यहां तीन लोगों की मौत हो गई थी। भिवंडी-ठाणे रोड स्थित कशेली ब्रिज के पास दो

दुर्घटनाएं हुई थी, जिनमें किसी की मौत नहीं हुई थी, लेकिन कई लोग घायल हो गए थे। मुंबई-नासिक राष्ट्रीय महामार्ग स्थित पिंपलास फाटा के पास 17 सड़क दुर्घटनाएं हुई थी, जिसमें 9 लोगों की मौत हो गई थी और दर्जनों लोग घायल हुए थे। यहां ज्यादातर दुर्घटनाएं दोपहिया वाहनों की हुई हैं। भिवंडी वाईपास स्थित राजनोली नाके पर हुई 11 सड़क दुर्घटनाओं में जहां चार लोगों की मौत हुई है, वहीं धामनकर नाका के पास सिर्फ एक दुर्घटना हुई है, जिसमें कोई मौत नहीं हुई।

INWARD... 1861/CH 2024.
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REGISTRATION... 12-2-2024.