

BMC needs to follow due process of law to take over park: Bombay High Court

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Mumbai: The Bombay High Court today said the Brihanmumbai Municipal Corporation (BMC) cannot take possession of the 20-acre Priyadarshini Park in south Mumbai without following the due process of law.

The park, situated on the Nepean Sea road, is being maintained since 1985 by the Malabar Hill Citizens' Forum.

In April last year, the civic body had passed an order, seeking to take possession of the park and to evict the forum.

The order was passed in accordance with a recent policy by which the BMC decided to take over all public parks and gardens, including those entrusted to private trusts for maintenance.

The Malabar Hill Citizens' Forum had approached the high court challenging the April 2017 order of the BMC.

After hearing arguments in the case, a division bench of Justices A S Oka and Riyaz Chagla today opined that the impugned order was passed without following due process of law.

"The petitioner cannot be evicted in such a manner. The corporation will have to follow due process of law before passing such orders," the court said.

The bench quashed and set aside the order and disposed of the petition.

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