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PARKING SHED IN PRIYADARSHANI PARK
"COMPLETELY ILLEGAL", BOMBAY HIGH COURT
TELLS BMC

Mumbai: Fire engine, parking shed in Priyadarshani Park "completely illegal", Bombay High Court tells BMC

— By Staff Reporter | Jan 18, 2018 08:24
am

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Mumbai: The Bombay High Court on Wednesday said the decision of the BMC to keep a fire engine and a parking shed in Priyadarshani Park in South Mumbai was "completely illegal." The judges also observed such action showed high-handedness by the civic agency.

A bench of justices A S Oka and P N Deshmukh dismissed the claim by BMC saying it was the original owner of land which they had given on lease to the park committee. Being the owners of that land, they could use it for any suitable purpose. The bench was hearing a Notice of Motion by BMC challenging a status quo order of an earlier bench of the court to restore the park as on June 13, 2017. This was heard along with a public interest litigation filed by the Malabar Hill

Citizen's Forum challenging the civic body's move to take back possession of that piece of land. The fire engine was parked there on June 14, 2017.

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Referring to an earlier lease and license agreement between the Malabar Hill Citizen's Forum (MHCF) and the BMC, the court said that in June 2017, the agreement between the two parties was still valid and the civic body could not have taken possession of the land like this. "The corporation was not expected to take such high-handed action of entering the land like this," said the court.



The residents informed the court several trees were damaged as the entrance to the park was demolished to make way for the fire engine and the parking shed. They alleged the gates of the park were to be kept open at night for the fire engine, which raised safety issues.

The BMC, on its part, had argued they occupied only a 10 square metre area in the entire park spread over 6000 square metres. Interestingly, the bench noted, the civic body had failed to find an alternate area of 10 square metres in Malabar Hill, which the former Chief Justice Manjula Chellur had asked BMC to inform the court of. She had asked to remove the fire engine and shed from there to avoid action against officers. The civic body had then conceded and cleared the land.

Last year an independent committee and the high court receiver had inspected the park

and submitted a report to the court stating that the fire engine stationed in the park and the temporary shed around it was encroaching upon some parts of the walking and the jogging tracks. The High Court observed, it had no reason to doubt the contents of the report.

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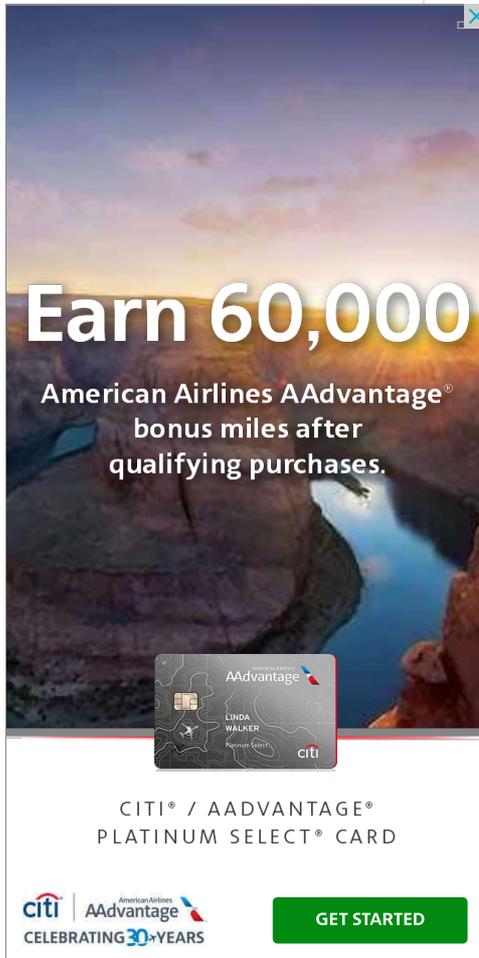
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