

10/4/2023
Closed
m A-S
Dispa Done

महाराष्ट्र राज्य मानवी हक्क आयोग



Maharashtra State Human Rights Commission (MSHRC) Mumbai

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

DOCKET SHEET

SVO MOTU CASE NO: 1469/13/16/2023

News item appeared in English News Paper "MID-DAY"

On 23.03.2023, in respect of "Sewage from towers flowing right into our
backyard"

SUMMARY

1469/13/16/2023

INWARD	3533	CR	2023
RECEIVED DT.	24	03	2023
CLERK	adanti		
REGISTRAR	R. S. R.		

'Sewage from towers flowing right into our backyard'

Residents of Andheri tower call out BMC's hypocrisy on clean drains, say officials have been ignoring their plight for 7 years

PRAJAKTA KASALE

prajakta.kasale@mid-day.com

ON the one hand, the BMC is ready to spend thousands of crores to keep of Mumbai's drains and rivers free of sewage and on the other, it refuses to believe the residents of Kia Park Apartments are living alongside a nullah bringing filth from nearby slums and towers. Countless letters sent to the ward office over the past seven years have been ignored, complained residents.

Kia Park is one of the 13 residential towers in Prathmesh Complex on Veera Desai Road.

In multiple letters to the K West ward office, residents have pointed out how many residential and office buildings don't have a sewer connection. While some are dependent on



Kia Park Apartments is one of the 13 residential towers in Prathmesh Complex on Veera Desai Road; (right) most residential buildings in Prathmesh Complex are still dependent on septic tanks. PICS/MIMESH DAVE



The drain with sewage from adjacent buildings and slums flows behind Kia Park Apartments on Veera Desai Road, Andheri West



The drain with sewage from adjacent buildings and slums flows behind Kia Park Apartments on Veera Desai Road, Andheri West

2016 Year when residents first wrote to the BMC

writing to the BMC in 2016. We specifically stated how sewage from the adjoining building is flowing into our society. Initially, they said it was rainwater. But the drain never dries up, even in scorching summer, which proves there is another source of wastewater," said Vaishali Joshi, a resident of Kia Park.

"On the one hand, the BMC speaks of health hazards that open sewage lines and waste pose, and on the other, it ignores our complaints of a drain bringing filth from adjoining buildings to our society," said Mona Sami, another Kia Park resident.

No action

Kia Park compound. It is the BMC's duty to issue notices to the buildings concerned to stop releasing sewage into the open drain. Instead, they are just forwarding letters from one department to another," said another resident.

"These buildings are on the lower level of the ground and so water directly enters the society premises. There are towers with offices and I don't know why the BMC doesn't take

action against them. I tried to solve

wall erected through the MLA fund," said Ranjana Patil, who was the corporator from the area from 2017 to 2022.

Rajul Patel, who was the corporator from 1997 to 2002, told mid-day the entire area was a quarry and was developed after 2002. "The area, including roads, was under private builders and that's why there wasn't any sewer line in the initial years. But the residents are paying property and sewer taxes and it is the BMC's duty to provide sewer lines to everyone, including the buildings on the Hill Park from where the sewage is coming," she said.

A civic official from K West initially said the drain is for rainwater. But he later agreed that the sewage was flowing into the nullah. "We will take

details of the source of sewage," said

Septic tanks

"Most of the buildings on the premises are at least 20 years old with occupation certificates. We have 10 septic tanks, but a few of them are old and we have to clean them every two months. Besides paying sewer taxes, we are spending money on cleaning the tanks. The BMC recently constructed sewer lines under our roads. Now the civic body is saying that we have to take connections inside the premises, but the charges are too high. Why should we pay?" said Sanjita Prasad, chief of the committee of Prathmesh Complex.



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.– /13/16/2023

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

Date : 24th March 2023

Coram : Justice K.K. Tated, Chairperson

PROCEEDING

Not on board. Taken on board.

1. We noticed article appeared in English News paper Mid Day dated 23.03.2023 on Page 5 with title “Sewage from towers flowing right into our backyard; Residents of Andheri tower call out BMC’s hypocrisy on clean drains, say officials have been ignoring their plight for 7 years.”

2. It is stated in the said article that on one hand BMC is ready to spend thousands of crores to keep Mumbai’s drains and rivers free of sewage and on the other, it refuses to believe the residents of Kia Park Apartments are living alongside a nullah bringing filth from nearby slums and towers. Countless letters sent to the ward office over the past seven years have been ignored, complained residents.

3. It is the case of the residents of the said tower that since 2016 they are making complaints to the Corporation but Corporation is not taking any action and because of that they are suffering.

4. Considering these facts Commission decided to take up this issue as Suo Moto complaint under Section 12 of The Protection of Human Rights Act, 1993. 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 file affidavit in reply on the basis of facts stated in article appeared in English News Paper Mid Day dated 23.03.2023 on or before 10.04.2023.
- b) Corporation is also directed to inform Kia Park Apartments about the next date of hearing in the present matter.
- c) **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 10th April 2023 at 11.00 a.m.**


(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 **Suo Motu Case No.- 1469/13/16/2023**

Name of Respondent : Municipal Commissioner
Municipal Corporation of Greater
Mumbai, Mumbai

Date : 10th April 2023

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

ORDER

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

English newspaper 'Midday' of 23.03.2023 highlighted on the plight of residents of Andheri Tower over flowing of sewage into their backyard and apathy on the part of the Municipal Corporation to rectify the same.

2. Considering the gravity of the news article, powers u/s. 12 of the Protection of Human Rights Act, 1993 were invoked and summons came to be issued to Municipal Commissioner, MCGM.

3. Consequently, respondent MCGM, through its Law Officer Valvi submitted affidavit in reply duly affirmed by

Shri Bharat Chaudhari, Sub Engineer, Maintenance Department, K/W Ward affirming in para 6 as under:

"I say that, in past it is learnt that the entire area was a quarry and due to the topography of Veera Desai Road & Captain Samant Road the drainage water line from the abutting buildings / slums flows through an open plot and ultimately the water recedes towards Veera Desai Drain. Also, the Storm Water Drains, C. C. roads all constructed / laid in recent years. I further say that, the construction of 36.6 mtr. wide D. P. Road i.e. J. V. L. R. extension road is also undertaken by MMRDA which is abutting buildings located at Veera Desai Road and Captain Samant Road, along with Storm Water Drain. The copy of work undertaken by MMRDA is attached herewith as Annexure I."

4. Bare reading of the contents of the above noted paragraph, it can be seen that damage control steps came to be taken by the Maintenance Department, thereby bringing an end to the miseries of the residents of Andheri Tower. We therefore accept the statement made on oath and proceed to close the case as the issue has been duly attended and rectified by the respondent department.

Ordered accordingly.


(M.A. Sayeed)
Member


(Justice K. K. Tated)
Chairperson