

महाराष्ट्र राज्य मानवी हक्क आयोग



25/4/2023
4/5/2023
C to Seal
mAS
Dispute Done

Maharashtra State Human Rights Commission
(MSHRC)
Mumbai

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

DOCKET SHEET

SUO MOTU CASE: 1495/13/20/2023

News item appeared in Marathi news Paper "Pudhari Mahamumbai"

On 28.03.2023, in respect of "पटणी रस्त्याच्या बाजूला अनधिकृतपणे थाटल्या नर्सरी"

SUMMARY

पुढारी मटामुर्दे

1495/13/20/2023

28-3-2023 Page 3

पटणी रस्त्याच्या बाजूला अनधिकृतपणे थाटल्या नर्सरी

नवी मुंबई : पुढारी वृत्तसेवा
एमआयडीसीच्या मोकळ्या
भूखंडावर, उच्च दाबाच्या विद्युत
वाहिन्याखाली असणाऱ्या जागेवर
शहरातील वाहतुकीच्या मार्गावरील
मोक्याच्या ठिकाणी नर्सरी
(रोपवाटिका) व्यवसाय अनधिकृतपणे
सुरू आहे. या नर्सरी या राजकीय
नेत्यांच्या आर्शिवादाने साकरण्यात
आल्या असून त्यांचे देखील यामध्ये
हात ओले होत आहे. या नर्सरी मध्ये
आकर्षक फुलाफळांची झाडे, कलमे
अशी १०० ते २०० जातीची रोपे
विक्रीसाठी आहेत. मात्र कोणत्याही
प्रकारची परवानगी न घेता अनेकांनी
व्यवसाय थाटले आहेत, अशा
व्यावसायिकांवर कारवाई करण्याची
मागणी नागरिकांकडून होत आहे.
ऐरोलीतील पटणी रस्त्याच्या
मार्गावरील या औद्योगिक क्षेत्रात
मोठ्या प्रमाणात मोकळ्या भूखंडावर



नर्सरी बिनदिकृतपणे सुरू आहेत. या
नर्सरी व्यावसायिकांकडून
एमआयडीसी किंवा महापालिकेच्या
तिजोरीत एकही दमडी न भरता
व्यवसाय सुरू आहेत. इतकेच नव्हे तर
अनेकांनी विद्युत पुरवठाही करण्यात
आल्याची माहिती उजेडात आली
आहे. मात्र या नर्सरीवर कोणत्याही
प्रकारची कारवाई होत नसल्याचे
निर्दर्शनास येत आहे. एमआयडीसीचे
कार्यकारी अभियंता आर जी राठोड
यांच्याशी संपर्क साधला असता त्यांनी
त्यांनी एमआयडीसीच्या जागेवर
अतिक्रमण केले असल्यास त्या नर्सरी
हटवण्यात येतील, असे सांगितले.

INWARD..3659/CR/2023
RECEIVED DT..9/05/23
CLERK...
REGISTRAR...

3659/CR/2023

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.- 1495 /13/20 /2023

Name of Respondent

:1 The Municipal Commissioner
Navi Mumbai Municipal Corporation
Navi Mumbai

2 The Managing Director
Maharashtra Industrial Development
Corporation
Mumbai

Date

: 29th March 2023

Coram

: Justice K.K. Tated, Chairperson

PROCEEDING

Not on board. Taken on board.

1. We noticed news appeared in Marathi News Paper Pudhari dated 28.03.2023 on Page 3 with following title "पटणी रस्त्याच्या बाजूला अनधिकृतपणे थाटल्या नर्सरी".

2. It is stated in the said news article that neither Maharashtra Industrial Development Corporation nor Corporation is taking any steps to remove the encroachment and or prevent the hawkers to do the business from open area and footpath.

3. It is also stated in the said news that several times complaints made about such encroachment, but Corporation failed and neglected to take any action.

4. Hence, Commission decided to take up this issue by way of Suo Moto complaint under Section 12 of The Protection of Human Rights Act, 1993 because encroachment on footpath

4

and road is affecting the human rights of the several people from that locality.

5. Hence, following order is passed:

- a) Office is directed to issue summons to the Municipal Commissioner, Navi Mumbai Municipal Corporation and Managing Director, Maharashtra Industrial Development Corporation calling upon them to hold fact finding inquiry and submit the report on or before 25.04.2023.
- b) **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 25th 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.- 1495/13/20/2023

Name of Respondent

: Municipal Commissioner
Navi Mumbai Municipal Corporation,
Navi Mumbai

Managing Director,
MIDC, Mumbai

Date

: 04th May 2023

Coram

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

ORDER

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

Marathi local newspaper 'Pudhari' of 28.03.2023 focused on indifferent attitude and apathy on the part of MIDC and Municipal Corporation in initiating appropriate damage control steps against the squatters mostly the nursery vendors on footpath and open area in Navi Mumbai.

2. Pursuant to our suo motu cognizance, ^{action} ~~notice~~ taken by invoking powers u/s. 12 of the Protection of Human Rights Act and detail order dated 29.03.2023, reports by the respondents at Ex. 'A' & Ex. 'B' came to be placed on record. The respondent municipal corporation sought to be exonerated from any liability on the ground that the said

area in question falls within the jurisdiction MIDC - co-respondent, while on the other hand co-respondent MIDC vide affidavit Ex. 'B' dated 24.04.2023, attempted to clarify the issue, by affirming in para 3 & 4 as under:

"3. I say that the nursery in the said plot was set up by a person claiming to be erstwhile owner of the portion of land. After following due process of law the said person was removed alongwith his articles from the said plot. However, the said person has again encroached some portion of land and MIDC have initiated legal action to remove the said person after following due process of law.

4. I say that apart from this plot no other area under MIDC has been encroached by any person carrying out nursery activity."

Photographs of the site, depicting the steps taken for removal of the unauthorized structure with nursery plants etc are annexed with this report Ex. 'B'.

3. We are satisfied with the reports placed on record and therefore proceed to pass following order:—

"ORDER"

a) Present suo motu stands closed and disposed off with no order as to cost.


(M.A. Sayeed)
Member


(Justice K. K. Tated)
Chairperson