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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
PUBLIC INTEREST LITIGATION NO. 78 OF 2013  
WITH  
NOTICE OF MOTION NO. 255 OF 2013  
IN  
PUBLIC INTEREST LITIGATION NO. 78 OF 2013**

Mrs. S. G. P. Barnes

.....Petitioner

V/s.

The Commissioner of BMC and others

.....Respondents

Petitioner in person absent

Mr. H. C. Pimple for MCGM/respondent No. 1

Mr. Milind More AGP for respondent Nos. 3 & 4

**CORAM : PRADEEP NANDRAJOG, CJ. &  
N. M. JAMDAR, J.**

**DATE : MAY 3, 2019.**

**P.C.**

Though none appears for the petitioner, but with the help and assistance of the learned counsel for the respondents we have perused the petition and the affidavits filed by the respondents therein from time to time.

2 The order dated 18/04/2015 records the statement made by

the petitioner who appeared in person that she is not pressing for any relief against BEST and pursues the petitioner concerning encroachments on the pavements on the road known as Jai Bhavani Mata Road in Andheri (West) commencing from Ramesh Nagar till Andheri station. Accepting the fact that illegal encroachments were made on the footpath and temporary structures were erected by the encroachers, an affidavit was filed by the respondents that the encroachments were removed. The petitioner responded by filing an affidavit on 20/08/2018 stating that encroachers have returned and have once again occupied the footpath.

3 It appears to be a case of cat and mouse game between encroachers and the Municipal Authorities. As and when encroachers from the footpath are removed, the encroachers returned after a few days.

4 The only solution to the problem is to make S.H.O. of the concerned police station within the jurisdiction where the road is situated to ensure that once the footpaths are cleared of the

temporary structures by demolishing the same, no temporary structure is re-erected. We are given to understand that the police department has Beat Marshals who are provided with motorcycles and tasked with duty to inform the police control room if any violation of law is noted and police intervention required immediately.

5 We direct the Commissioner of Police, Mumbai to issue office order directing all Beat Marshals to keep an eye on the pavements in the area of their beat and if any encroachment is noted, information be immediately given for police assistance so that the encroachee is not able to re-erect the temporary structures. The Corporation is directed to once again ensure that temporary structures erected by the encroachees on the pavement on the road in question are demolished.

6 Petition is disposed of.

**N. M. JAMDAR, J.**

**CHIEF JUSTICE**