Date: 2.3.25

43 / SR PI – Asst Comm E ward / removal of encroachment on road, footpath and traffic island at E ward / Road repairs folder and file

**Violation of Article 12 of the constitution by BMC and police and denying the fundamental rights to citizen to provide free and safe movement on road and footpath, traffic islands**

To,

1. Asst Comm E ward
2. Sr. PI Byculla

**The below are senior officers who shall be responsible to ensure that their subordinate officers discharge their duty with honesty, integrity and devotion in large public interest only and act within the parameters of law. It is the duty of the below officers to ensure that the footpaths are cleared of encroachment and obstruction and to provide roads and footpaths for free movement. (MRTP 52,**

1. **DCP zone -3, duty to ensure compliance**
2. **Illegal acts disclose cognizable offences u/s 268, 269, 270, 409, 429, 431, 441 IPC section 102 and 115 C Bombay Police Act. Hence, police cannot drive citizens to BMC and fail to discharge their duty when the offence committed is cognizable offence.**
3. **Maharashtra Police at 28, 64,66,67,102, 103, 106, 107, 110, 110, 118, 145.**
4. **Police violating the provisions of 154, 156(2) 157, CRPC and Lalita kumari judgement para111.**
5. **Police shall issue notice u/s 149 to 152 CRPC to prevent the offence from being committed. and if offenders commit offence.**
6. **Police shall issue notice and take action in accordance with section 107, 108-111 CRPC thereafter Tadipar proceedings shall be initiated in addition to FIR for maintaining of security and good behavior by the offenders.**
7. **Addl MC ( city) duty to ensure compliance** 
   1. **CHE circular dt. 15.1.2011** How the Designated officers, Asst Com/ DMC fail to act after issuance of notice u/s 53(1) MRTP.
   2. **61 (O), 313, 314, 322 MMC act:** the removal of obstructions and projections in or upon streets, bridges and other public spaces**.**
   3. **83(1) of MMC act:** every Municipal officer or servant may be reduced, removed, or dismissed for any breach of departmental rules or discipline of for carelessness, unfitness, neglect of duty and other misconduct, by the authority by whom such officer is appointed.
   4. **64-C of MMC act**: to dispose the complaint / grievances within 45 days.
   5. **BMC Circular dt. 20.11.2003:** to remove / dismiss the BMC staff

**Sub: 2 fatal accidents in E ward Mumbai**

* **fatal accident at Love Lane, E ward, Byculla police station by bus because there is no space for free and safe movement of pedestrians and motorists on footpath and road.**
* **Similar accident at Madanpura 2 child are victim of the accident.**
* **Details of when the road and footpath shall be cleared permanently and all preventive and remedial action shall be taken to avoid re-occupying of road and footpath by encroachers**

**Reg:**

1. **FIR registered against driver for no fault of his. The BMC , Traffic police and Local police along with their senior officers are and should be held responsible for such gross culpable negligence committed by them**
2. **Request to record my statement as witness in the matter so that the innocent driver shall not be made scape goat for fault of BMC and Police.**

<https://www.facebook.com/share/v/1A3G7FjpcC/> is video recorded on the day of the accident

#Encroachment #accident

Fatal accident at love lane, byculla Mumbai 4000010 caused only because the pedestrian and motorist are denied the space for free and safe movement.

**Responsible persons**

**1. Byculla police station**

**2. E ward**

**3. BYCULLA traffic division**

**4. ADDL MC CITY BMC Mumbai**

**5 Zonal DCP**

All the above public servants have failed to discharge duty and should be held responsible for death of the citizens and FIR. Should be registered against the above public servants

Disciplinary action of culpable negligence and these officers liable for compulsory pre retirement and dismissal from service

As usual or elected representatives have no duty towards motorists and pedestrian. They need votes only.

Amin Patel MLA Ravi Rana Rahul Narwekar - राहुल नार्वेकर Milind Deora Arvind Sawant Commissioner of Police. MUMBAI Head Quarters Maharashtra DGIPR Indian Police Service Association IAS Association BJP Mumbai Mangal Prabhat Lodha

FULL FOOTPATH ENCROACHED

PARKING BY BIKES ON FOOTPATH

PARKING ON BOTH SIDES OF ROAD

TWO BUSES CANNOT PASS DUE TO ENCOURAGEMENT AND OBSTRUCTIONS

PEDESTRIAN FORCED TO WALK ON ROAD

**Kindly let me know when my statement as witness shall be recorded. I am 67 years old alert public spirited senior citizen.**

Date 28.2.25 incidence

Kamlakar Shenoy

Gaurang R Vora