



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1545 OF 2023

Marathon Maxima Co.Op. Housing Society

..Petitioner

Vs.

Brihanmumbai Municipal Corporation & Ors.

..Respondents

Ms. Seema Chopda for the Petitioner.

Ms. Jyoti Mhatre i/b. Ms. Komal Punjabi for Respondent Nos.1, 5 & 6.

Ms. P. H. Kantharia, GP for Respondent Nos.2 to 4.

Mr. Kiran Gandhi i/b. Little & Co. for Respondent No.7.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 08 APRIL 2025

P.C. :-

1. This petition raises seminal issues *inter alia* on the dumping/ parking/storing of vehicles seized by the Officer-In-Charge of the Police Stations occupying public roads, streets and/or the surroundings of the police stations in the city of Mumbai. The vehicles in some cases, as in the present case are parked/dumped on open private lands. Such parking and storing of vehicles apart from being an 'eyesore' from the point of view of neat and clean surroundings, being a legitimate public expectation, also creates insurmountable public inconvenience.

2. It appears that however no concrete policy is prepared either to be implemented for the city of Greater Mumbai and/or the State of Maharashtra. We are of the opinion that this is a common issue which would arise in respect of the police stations wherever situated.

3. In Mumbai, open spaces are not available and is a major constraint, hence parking / dumping of seized vehicles cannot be resorted causing a serious inconvenience / nuisance to the public at large. We may take judicial notice of the fact that several police stations are inundated with such seized vehicles being dumped/parked for years together outside the police stations encroaching on public roads, which are essential public amenities to be enjoyed and utilized by public at large.

4. In our opinion, for a city like Mumbai or any other city which encompasses constraints on open spaces, encroachments on footpath, pavements etc. which itself makes the life of pedestrians miserable and added to such woes, are the problems of such illegal parking on open public spaces, pavements / footpaths and in the surroundings of the police stations. The Municipal Corporation does not attend to such encroachments by the police stations although it is on public roads and footpaths merely because these vehicles are something to do with the

police station. When pedestrians themselves cannot normally move on roads and footpaths, the Traffic Department cannot remain a mute spectator, on these issues. The menace of such parking and dumping of vehicles in the surroundings of the police stations and /or on private lands, needs to be something of the past.

5. We may observe that parking such vehicles, cars, trucks etc. in the vicinity of the police stations is also a safety and security concern and from such perspective it is imperative that the Traffic Department would avoid parking of these vehicles in the vicinity of the police stations.

6. The Additional Commissioner of Traffic, Mumbai and Greater Mumbai, in our opinion, needs to gather substantial information in regard to every police station along with the photographs of the present plight of such unlawful parking / dumping of the seized vehicles by such police stations in Greater Mumbai, and a report to that effect needs to be placed on record on the adjourned date of hearing which would indicate the gravity of the situation.

7. On 13 April 2023, a co-ordinate Bench of this Court of which one of us (G. S. Kulkarni, J.) was a member, passed an order observing that in

such context no policy was available. In paragraph 5 of the said order the Court made the following observations:-

“5. The State Government may also place on record any policy which the Commissioner of Police would have in dealing with the seized vehicles lying/parked at different public places and in the vicinity of the police stations in the city of Mumbai. We would appreciate that any such policy be made effective and timely action is taken to dispose of the old vehicles which are causing public nuisance by their haphazard storage/parking.”

8. In the aforesaid circumstances, as already almost two years have passed, from the Court's earlier order dated 13 April 2023, surprisingly such orders are yet to be complied. We hence direct the Additional Commissioner of Police, Traffic Division, and Inspector General of Police/ State of Maharashtra to deliberate on such issue and prepare a concrete mechanism in regard to the vehicles being immediately taken to the appropriate place after they are seized, and that such vehicles do not encroach on roads, pavements/footpaths or being parked/stored in the vicinity of the police stations in whose jurisdiction they have seized. Also let a policy as per the order dated 13 April, 2023 be framed under the guidance of the Principal Secretary, Home, and the same be placed on record of this Court on or before the adjourned date of hearing. Let an affidavit to this effect be placed on record.

9. Insofar as the RMU unit is concerned, Mr. Gandhi, learned Counsel for respondent no.7 (MSEDCL) would take instructions in regard to the safety of such installations from the larger perspective of any adverse effect they may have on the citizens. An appropriate affidavit in this regard be placed on record on or before the adjourned date of hearing.

10. Stand over to **29 April 2025 (H.O.B)**.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]