



महाराष्ट्र शासन



विभागीय आयुक्त कार्यालय, छत्रपती संभाजीनगर  
(नगर परिषद प्रशासन)

विभागीय आयुक्त कार्यालय, दिल्ली गेट जवळ, फाजिलपुरा छत्रपती संभाजीनगर 431001-

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दिनांक. १५.१०.२०२५

न्यायालयीन प्रकरण तात्काळ/महत्वाचे

प्रति,

- आयुक्त, महानगरपालिका-छत्रपती संभाजीनगर, लातूर, जालना, परभणी, नांदेड-वाघाळा
- जिल्हा सह आयुक्त (नपप्र) (सर्व), छत्रपती संभाजीनगर विभाग
- मुख्याधिकारी (सर्व), नगरपरिषद/नगरपंचायत, छत्रपती संभाजीनगर विभाग

विषय :- PUBLIC INTEREST LITIGATION NO. 71 OF 2013 The High Court on its own motion High Court of Judicature at Bombay Vs. The State of Maharashtra and others.

संदर्भ :- १) मा. उच्च न्यायालय मुंबई PIL No.71/2013 या प्रकरणातील दि. 13.10.2025 रोजीचे आदेश.  
२) मा. अधीक्षक अभियंता, नगर परिषद प्रशासन संचालनालय यांचे पत्र जा.क्र.नपप्रस/रस्ते खडडे जनहित याचिका 2025-26/का-7अ/7679 दिनांक 15.10.2025

उपरोक्त विषयीकिंत प्रकरणी मा. संचालनालयाच्या संदर्भीय पत्रान्वये बांम्बे उच्च न्यायालय सामान्य मूळ दिवाणी अधिकारक्षेत्र लोकहित याचिका क्र. 71/2013 दाखल असून दि. 13.10.2025 रोजी सुनावणी संपन्न झाली असल्याचे नमूद केले आहे. सदर सुनावणी दरम्यान आदेश पारित केले असून त्यानुसार मुद्दा क्र. 70,71 व तसेच आपल्या कार्यालयाशी संबंधित इतर मुद्दानुसार आपल्या स्तरावर तात्काळ विहित मुदतीत योग्य ती कार्यवाही करावी व केलेल्या कार्यवाहीचा तपशील संचालनालयास जिल्हा सह आयुक्त यांनी विभागीय आयुक्त यांचे मार्फत दि. 17.10.2025 पर्यंत संचालनालयास सादर करण्याबाबत कळविले आहे.

करिता संदर्भीय पत्राची प्रत या सोबत संलग्न करण्यात येत असून आपणास कळविण्यात येते की, त्यानुसार मुद्दा क्र. 70,71 व तसेच आपल्या कार्यालयाशी संबंधित इतर मुद्दानुसार आपल्या स्तरावर तात्काळ विहित मुदतीत योग्य ती कार्यवाही करून केलेल्या कार्यवाहीचा अहवाल या कार्यालयास सादर करावा. जेणे करून प्रकरणातील अहवाल वरिष्ठ कार्यालयास पाठविता येईल.

सोबत:- संदर्भीय पत्र

(देविदास टेकाळे)  
15.10.2025

सह आयुक्त

नगरपरिषद प्रशासन शाखा

विभागीय आयुक्त कार्यालय, छत्रपती संभाजीनगर

प्रत माहितीस्तव: अधीक्षक अभियंता, नगर परिषद प्रशासन संचालनालय, सी.बी.डी बेलापूर, नवी मुंबई



महाराष्ट्र शासन

नगरपरिषद प्रशासन संचालनालय

बेलापूर भवन, ७ वा मजला, (सी.बी.डी.) बेलापूर, नवी मुंबई - ४०० ६९४.

दूरध्वनी क्र.०२२-२४९२७६३१ / २४९४३७६४ ई-मेल : desk96.dma@maharashtra.gov.in

संकेतस्थळ : <https://mahadma.maharashtra.gov.in>

क्रमांक: नपप्रस/ रस्तो खड्डे जनहित याचिका २०२५-२६/का-७५/ ७६७७ दिनांक:-

न्यायालयीन प्रकरण तात्काळ/महत्वाचे

15 OCT 2025

प्रति,

मा. आयुक्त, महानगरपालिका (सर्व)

मा. विभागीय सह आयुक्त (सर्व)

मा. जिल्हा सह आयुक्त (सर्व)

मुख्याधिकारी, नगरपरिषद व नगरपंचायती (सर्व)

विषय:- **PUBLIC INTEREST LITIGATION NO. 71 OF 2013 The High Court on  
its own motion High Court of Judicature at Bombay Vs. The State of  
Maharashtra and others.**

संदर्भ:- मा.उच्च न्यायालय मुंबई PIL No.७१/२०१३ या प्रकरणातील दि.१३.१०.२०२५ रोजीचे  
आदेश.

वरील संदर्भाधिन पत्रातील आदेशाचे अवलोकन व्हावे, ही विनंती बॉम्बे उच्च न्यायालय सामन्य मूळ दिवाणी अधिकारक्षेत्र लोकहित याचिका क्र.७१/२०१३ दाखल असून दि.१३.१०.२०२५ रोजी सुनावणी संपन्न झाली सदर सुनावणी दरम्यान आदेश पारित केले असून त्यानुसार मुद्दा क्र.७१,७१ व तसेच आपल्याशी संबंधित इतर मुद्द्यानुसार आपल्या स्तरावर तात्काळ विहित मुदतीत योग्य ती कार्यवाही करावी व केलेल्या कार्यवाहीचा तपशील संचालनालयास जिल्हा सह आयुक्त व विभागीय आयुक्त यांचे मार्फत दि.१७.१०.२०२५ पर्यंत संचालनालयास सादर करावे.

(छायानाईक)

मुख्य अभियंता

नगरपरिषद प्रशासन संचालनालय, नवी मुंबई

सोबत: संदर्भाची प्रत जोडण्यात आली आहे.



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

***PUBLIC INTEREST LITIGATION NO.71 OF 2013***

High Court On Its Own Motion ... Petitioner

*Versus*

The State of Maharashtra & Ors. ... Respondents

***WITH***

***INTERIM APPLICATION (LODGING) NO. 29119 OF 2025  
(For Intervention)***

***IN***

***PUBLIC INTEREST LITIGATION NO.71 OF 2013***

Siddharth Sonaji Ingle,  
Founder President Lok Hitkarini Sabha ... Applicant

*Versus*

High Court On Its Own Motion & Ors. ... Respondents

Mr. Jamshed Mistry, *Amicus Curiae* a/w Ms. Ronita Bhattacharya Bector and Mr. Dipesh Siroya

Mr. Siddharth Ingle (through VC) a/w Mr. Rashid Khan for the Applicant/Intervenor in IAL/29119/2025

Ms. Ruju Thakker, the Petitioner in CPP/6/2019, appears in-person

Mr. O. A. Chandurkar, Addl. GP a/w Ms. R.A. Salunkhe, AGP and M.M. Pabale, AGP for the State

Mr. Anil Y. Sakhare, Senior Advocate a/w Mr. Joel Carlos, Ms. K.H. Mastakar and Ms. Oorja Dhond, for the Respondent No. 2-MCGM

Mr. Mandar Limaye for the Respondent No.4-Thane Municipal Corporation

Mr. Prashant Chawan, Senior Advocate i/by Ms. Reshma Rani Nathani for the Respondent No.13- MSRDC

Ms. Tanu N. Bhatia for the Bhiwandi Nizampur Corporation

Mr. Sarang S. Aradhya (through V.C.) for the Respondent-Panvel Municipal Corporation in IAL/29119/2025

Mr. A. S. Rao for the Kalyan Dombivli Mahanagar Palika

Mr. Rohit Sakhadeo for Respondent No.20-NMC

Ms. Neeta Patil i/by Mr. S.R. Nagolkar for the Respondent No.289

Ms. Swati Sagvekar for Vasai Virar City Municipal Corporation

Mr. Aniruddha A. Garge for the Respondent No.5-Navi Mumbai Municipal Corporation

Mr. Ajai Fernandes a/w Ms. Anjali Kotecha i/by Motiwala & Co. for the Respondent No.8-BPT

Mr. Sandeep Mahadik a/w Mr. Shishankar D. Patil for the Respondent Nos. 272 to 274

Ms. Aparna Devkar for the Respondent No.367

Ms. Aparna D. Vhatkar for the Respondent No.6- MMRDA

Mr. I.M. Khairdi for the Respondent No.25-Solapur Municipal Corporation

Mr. Ravindva S. Pachundkar for the Respondent Nos. 327, 332, 334, 335, 337, 338 in PIL No.71/2013 a/w CP/6/2019

Mr. Gaurav Ugale a/w Mr. Vaishnav Brahmankar and Mr. Swapnil Mhatre i/by Mr. Shriram Kulkarni for the Respondent Nos.54 to 59, 253, 357, 358

Mr. Shailesh Chavan i/b Mr. Milind Deshmukh, for the Respondent Nos. 241 and 351

Mr. Girish Nikam, Chief Engineer (Roads & Traffic), MCGM Officer is present in Court

Mr. Vikas Dhole, Dy. City Engineer and Mr. Sanjay Kadam, Ex. Engineer, are present in Court

Ms. Renuka Aundhekar, Legal Assistant from Thane Municipal Corporation is present in Court

Mr. Ramesh Khiste – Superintendent Engineer and Mr. Satishkumar Gavit, Executive Engineer for MSRDC, are present in Court

Mr. Jamil M. Patel, City Engineer with Anil P. from BNMC, are present in Court

Mr. J.S. Kore, Executive Engineer, Kalyan Dombivli Mahnagar Palika is present in Court

Mr. Sanjay Dada Patil, Executive Engineer, Airoli on behalf of Navi Mumbai Municipal Corporation present in Court

Mr. Prakash J. Bhongare , SE MMRDA, Mr. Praful D. Jamadar, SE MMRDA, Mr. Jagdish Patil, EE MMRDA, N.M. Kambale, EE MMRDA, B.W. Biradar, EE, MMRDA, are present in Court

*CORAM : REVATI MOHITE DERE & SANDESH D. PATIL, JJ.*

*RESERVED ON : 19<sup>th</sup> SEPTEMBER 2025*

*PRONOUNCED ON : 13<sup>th</sup> OCTOBER 2025*

*ORDER (Per Revati Mohite Dere, J.) :*

1 This is a classic case where, despite several orders having been passed by this Court since 2015 in the aforesaid *Suo Motu* Public Interest Litigation, the matter requires cognizance to be taken each year during the monsoon, in view of the deplorable condition of the roads, with potholes continuing to cause deaths and injuries to persons.

2 It is necessary to refer to a few dates and orders passed in the aforesaid PIL from time to time;

The said *Suo Motu* PIL came to be registered pursuant to a letter sent by Hon'ble Shri Justice G. S. Patel (as he then was)

to the Hon'ble the Chief Justice dated **24<sup>th</sup> July 2013**. In his letter Justice Patel had highlighted the issues of pathetic conditions of the roads in Mumbai and the consequences thereof, which resulted not only into hardships and inconvenience of the people at large, but also resulted in casualties, especially to the riders of two-wheelers, resulting in fatal injuries and also spinal injuries, which were attributed to the potholes on the roads.

Based on the said letter, this Court took cognizance and registered the Suo Motu PIL on **29<sup>th</sup> July 2013**, and notices were issued to various authorities. On **13<sup>th</sup> August 2013**, an order was passed by this Court referring to a Government Resolution dated **28<sup>th</sup> September 2012**, by which a Committee was constituted by the State Government to deal with issues pertaining to roads within the limits of Greater Mumbai. On **12<sup>th</sup> February 2015**, the intervention application filed by Ms. Thakkar was allowed by this Court. Thereafter, on **20<sup>th</sup> May 2015**, this Court issued several interim directions, which are reproduced herein-below.

*“(i) The earlier directions issued by this Court in the present Petition from time to time which are not inconsistent or contrary to the directions issued under this order shall continue to operate;*

*(ii) All the Municipal Corporations which are parties to the PIL shall maintain all the streets/roads including foot-ways/footpaths within its jurisdiction in good and proper condition. It shall be the responsibility of the Municipal Corporations to keep the roads and footpaths properly levelled and surfaced. It shall be their responsibility to ensure that potholes and ditches thereon are properly filled in. The work of filling in the potholes shall be carried out scientifically as an ongoing project;*

*(iii) While granting permissions to various authorities to do digging work on the streets, a condition shall be incorporated by all the Municipal Corporations/other Authorities of prominently displaying at the site of the work the following details :- (a) the name of the agency which is doing the digging work and (b) the extent of the digging work permitted and the period within which the work shall be completed. The display boards shall also contain the outer limit within which the road shall be restored to its original condition;*

*(iv) Similar Boards shall be displayed at the sites where major repair work of streets is undertaken. The name of the agency undertaking the work and the outer limit for the completion of the work shall be also prominently displayed;*

*(v) The State Government, MMRDA, MSRDC and Mumbai Port Trust shall be also bound by all the aforesaid directions contained in Clauses (ii) to (iv) above;*

(vi) All the Municipal Corporations as well as MMRDA, MSRDC and Mumbai Port Trust shall provide a mechanism to enable the citizens to file complaints about the poor conditions of streets. The complaints shall be received by following four methods:

- (a) Complaints in writing received at designated centers;
- (b) Complaints received through dedicated toll free number/s;
- (c) Complaints received through dedicated website; and
- (d) Complaints received by text message via cell phones.

(vii) The facility of receiving complaints by the aforesaid methods shall be made available throughout the year. The dedicated websites shall be designed or improvised in such a way that citizens are able to upload the photographs of the potholes on the streets or poor condition of streets on the website. Arrangement shall also be made to receive such photographs through cell phones;

(viii) System of tracking shall be made available to track the action taken on the basis of the complaints received by all four methods. Tracking facility shall be made available on the dedicated websites. Final action taken report on the basis of the complaints shall be uploaded on the websites within a period of two weeks from the date of receipt of the respective complaints. Wherever the citizens have forwarded the photographs of the sites either through cell phones or by uploading the same on the dedicated websites, along with the final report, photographs showing compliance made by carrying out repairs shall be also uploaded on the dedicated

*websites. All the Municipal Corporations and Authorities shall ensure that the mechanism in terms of the above directions is provided latest by 30th June, 2015. We make it clear that till the mechanism as directed above is provided, the existing mechanism, if any, shall continue to function;*

*(ix) In addition, for the City of Mumbai, the State Government shall create a similar mechanism common for all the agencies providing for four methods of receiving complaints in relation to all the streets in the City. It shall be the obligation of the State to forthwith forward the complaints received to the concerned authorities which are responsible for the maintenance and repairs of the concerned stretches of streets. Even such mechanism shall be made available on or before 30th June, 2015;*

*(x) A very wide publicity shall be repeatedly given by all concerned authorities to the mechanism provided as aforesaid in all leading newspapers as well as on the electronic media on or before 30th June 2015;*

*(xi) If the Committee appointed under the Government Resolution dated 28th September, 2012 has not submitted its recommendations, the same shall be submitted to the State Government on or before 30th June, 2015. If the Committee has already submitted its recommendations before the date of passing this order, the State Government shall take appropriate policy decision on the basis of the said recommendations on or before 30th June, 2015;*

*(xii) We direct the Municipal Corporations and other agencies involved in the maintenance of roads to ensure that modern scientific techniques are used for construction of the streets, for maintenance thereof and for carrying out repairs thereto. The*

*authorities shall consider of taking assistance of the ninth Respondent on this aspect. The directions issued by this Court in the matter of entering into contracts shall continue till further orders;*

*(xiii) While filing compliance affidavits recording the compliance with the aforesaid directions, all the Municipal Corporations which are parties to this Petition, Public Works Department of the State Government, MMRDA, MSRDC and Mumbai Port Trust shall set out the details and particulars of the methods/techniques used by them for construction, maintenance and repairs of the streets. The affidavits to state the measures taken by the Authorities to maintain a strict quality control of the said works. The measures taken by the Authorities to ensure that the contractors maintain requisite standards shall be also set out in the affidavits. Compliance affidavits recording the compliance of the aforesaid directions shall be filed on or before 6th July, 2015;*

*(xiv) We direct the Municipal Corporations and the other agencies involved to issue circulars to its officers and members of the staff dealing with the work of maintenance of streets for putting them to notice that the failure to maintain the public roads, footpaths and bridges in proper condition may lead to loss of human lives, loss of valuable working hours and waste of valuable fuel apart from the inconvenience caused to the citizens. They shall be made aware that the right to have properly maintained streets is a fundamental right of citizens. The circulars shall state that a disciplinary action will be initiated against the erring officials;*

*(xv) The State Government shall consider of issuing directions to all the other Municipal Corporations which are not the parties to the Petition to implement these directions of this*

*Court;*

*(xvi) For considering the compliance affidavits and for issuing further interim directions, the Petition shall be listed on 10th July, 2015 under the caption of "Directions";*

*(xvii) In the meanwhile, we expect the tenth and eleventh Respondents and the Intervenor to bring to the notice of all concerned authorities the deficiencies and defects in the streets. If they find that their complaints are not acted upon by the concerned authorities, we grant liberty to them to move this Court for seeking further interim directions;*

*(xviii) We make it clear that these directions will apply to the public streets as defined under the said Act of 1888 as well as the said Act of 1949. Thus, the same shall apply to foot-ways/footpaths as well;*

*(xix) All concerned to act upon an authenticated copy of this order.”*  
*(emphasis supplied)*

3 It appears that when the aforesaid PIL came up before this Court on **10<sup>th</sup> July 2015**, this Court observed that although several directions had been issued against the State Government, most of them had not been complied with. The affidavits filed by some of the respondents disclosed only partial compliance. In fact, in paragraph 4 of the said order, this Court noted as under:

*“4. We have perused the affidavit filed on behalf of the Thane Municipal Corporation. It is pointed out that some stretches of the roads within the City are maintained by the MSRDC, Public Works Department of the State of Maharashtra, MIDC and National Highway. Therefore, even in respect of the area forming part of the Thane Municipal Corporation, the State Government will have to create a mechanism which is common for all the aforesaid agencies within the limits of Municipal Corporation of the City of Thane as directed by Clause (ix) of Paragraph 34 of the order dated 20 May 2015. We direct the MSRDC and PWD to create a mechanism in terms of the order dated 20 May 2015 for the area forming part of the Thane Municipal Corporation as well. The Advocate on record for Thane Municipal Corporation was directed to provide designation and office address of the officer of the National Highway who is in-charge of the two stretches of the roads mentioned in the Item Nos.1 and 7 in Paragraph 2 of the said affidavit. The Advocate on record for Thane Municipal Corporation accordingly furnishes the names of (i) Shri M.L.Salunkhe, S.E. Construction Circle, Chembur, and (ii) Shri Subhash Tikde, S.E.National Highway Circle, Bandra. The Registry to issue notices to the said officers of the National Highway as well as the MIDC at their registered offices, returnable on 31 July 2015. The Registry to forward copies of this order as well as the order dated 20th May 2015 along with the said notices.*

4           Accordingly, this Court granted a last opportunity to the respondents to comply with all the directions contained in the

order dated **20<sup>th</sup> May 2015** within two weeks. By the very same order, the National Highways Authority as well as the MIDC, were added as party respondents. They were directed to set up a grievance redressal mechanism in terms of the directions issued in the order dated 20<sup>th</sup> May 2015. The order also records that the intervenor pointed out that although a Mobile App had been provided by the Municipal Corporation of Greater Mumbai for receiving complaints, the same was not functioning. Affidavits were thereafter filed by the respective respondents vis-à-vis the directions issued by this Court in its order dated 20<sup>th</sup> May 2015.

5           On **7<sup>th</sup> August 2015**, after perusing the affidavit of Smt. Seema Dhamdhere, Joint Secretary of the Urban Development Department, this Court noted that under the Government Resolution dated 4<sup>th</sup> August 2015, a single-window system for redressal of grievances regarding potholes in the city of Mumbai had been incorporated. The said system was intended to enable citizens to lodge complaints on the 'Voice of the Citizens' website

developed by the Municipal Corporation of Greater Mumbai (MCGM). It was further noted in the said order that, since citizens may not know the authority within whose jurisdiction the roads are situated, the State Government had provided that all complaints regarding potholes in the city of Mumbai shall be received by the MCGM through its website as well as on its toll-free number. Directions were also issued to the MCGM to provide login IDs and passwords to all authorities such as the Public Works Department ('PWD'), Mumbai Metropolitan Regional Development Authority ('MMRDA'), Maharashtra State Road Development Corporation ('MSRDC'), Bombay Port Trusts ('BPT'), etc. In the second part of the Government Resolution dated 4<sup>th</sup> August 2015, the State Government had issued directions to all municipal corporations within the jurisdiction of the MMRDA to provide a single-window system for lodging complaints regarding potholes. Infact, the learned counsel appearing for the MCGM, on instructions, stated that all complaints received by the MCGM on its website, toll-free

number, and by other modes would be immediately scrutinized and forwarded to the concerned authority responsible for the maintenance of roads. He further stated that the responses received from the said authorities would also be uploaded on the website. Infact, it was further noted in the order dated 7<sup>th</sup> August 2015, on the basis of the affidavit of the Joint Secretary, Urban Development Department, that there was a proposal to bring all the roads in the city, for the purposes of maintenance and repairs, under one control, namely, the MCGM. It was further stated in the affidavit that a proposal was under consideration to transfer all roads under the jurisdiction of various authorities to the MCGM for the purpose of upkeep and maintenance, without transferring ownership of the land to the MCGM. The affidavit also recorded that necessary action in this regard was likely to be taken. This Court, pursuant to the said affidavit, observed that it expected that the State Government takes an early decision on this aspect so that one authority would be responsible for the upkeep and maintenance of roads in the City of Mumbai. Even during the

course of the hearing on 7<sup>th</sup> August 2015, as recorded in the order, Ms. Thakkar (intervenor) again raised a grievance that the single-window system was not functioning effectively. Accordingly, this Court observed that a reasonable time would have to be given to the MCGM to ensure that the single-window system functions properly. Accordingly in para 6 of the order dated 7<sup>th</sup> August 2015, this Court directed all municipal corporations covered by the Government Resolution dated 4<sup>th</sup> August 2015 to implement the directions, and to take steps in terms of clause (b) of paragraph 2 of the said Resolution, within one month from the date of the order. Paras 8, 9 and 10 of the order read thus:

*“8. There is already an order of this Court pasted on 20<sup>th</sup> May 2015 wherein a specific direction was issued to the State Government and to all the local authorities to keep the roads and potholes properly levelled and surfaced. There is also a direction issued to carry out repairs to the potholes in a scientific manner. There is already an observation in the order that it is advisable to take assistance of the Ninth Respondent. The learned Government Pleader states that the State Government has also consulted the Ninth Respondent.*

*9. The learned counsel appearing for the Tenth and Eleventh Respondents is right to the extent that while carrying out the*

*work of filling the potholes, if the same are not properly leveled and surfaced, it may cause accidents. As the Committee of the higher officers of the Government is seized of the matter, we are sure that this aspect will be considered by the said Committee. We make it clear that if the work of filling of potholes on the roads as well as footpaths is not done by adopting best scientific methods, the very object of providing Grievance Redress Mechanism will be frustrated. As time of two weeks is sought by the State Government to place the decision of record, we may deem it proper to grant time of two weeks.*

*10. Another concern which is recorded in the earlier order is as regards the accident which took place near Vikhroli which involved loss life. In the affidavit of Smt. Seema Dhamdhere, in Paragraph 12, this issue has been dealt with. It is stated that necessary safety measures have been taken for open manholes by providing red flags and/or stones. However, the intervenor appearing in person rightly submitted that the red flags and stones with line may not be visible during the night hours. We must note here that in Paragraph 12, it is stated that only on one stretch of road, 490 manhole covers were found either damaged and missing. Out of which, only 340 manhole covers have been replaced by new manhole covers and it will take time till 31<sup>st</sup> August 2015 to replace the remaining 150 manhole covers. Therefore, considering the fact that as many as 150 manholes covers remain to be replaced only on one stretch of road, the adequate safeguards will have to be provided and only by providing the red flags and stones with line, the accidents cannot be avoided especially during the night time. We direct the Public Works Department to take all possible steps to ensure that there are no accidents.”*

6            This Court, by the very same order dated 7<sup>th</sup> August 2015 directed all the authorities to ensure that the Government Resolution dated 4<sup>th</sup> August 2015 is effectively and fully implemented. This Court noted that the MCGM, MMRDA and other authorities in their affidavits, had stated that all of them had provided a Grievance Redressal Mechanism in different forms; that some of Corporations had provided a mechanism for uploading the photographs of potholes on websites as well receiving complaints thereof on Cell Phone by providing facility of uploading photographs. Again, this Court in para 11, noted that the suggestion of this Court “*to provide a single window system was in view of the fact that within one municipal area, there are different authorities having jurisdiction on different stretches of roads*”. Accordingly, the petition was adjourned to 21<sup>st</sup> August 2015. The Court further noted that in the event, it is found that the mechanism provided in the Government Resolution dated 4<sup>th</sup> August 2015 is not fully and effectively functional, appropriate

directions will be issued on 21<sup>st</sup> August 2015. In Para 13 of the very same order, this Court noted as under:

*“13. Needless to state that apart from giving publicity to the Grievance Redress Mechanism which exists and which will be created in terms of the Government Resolution dated 4<sup>th</sup> August 2015, every authority will be under obligation to prominently display the toll free numbers by putting banners or boards by the side of the different sections of the roads so that after noticing potholes, the citizens will be immediately able to lodge complaints about the existence of potholes.”*

In para 14, the Court further observed as under:

*“14. .... It is obvious that if the Urban Development Department finds that any particular Municipal Corporation has not complied with the directions incorporated in the Government Resolution dated 4<sup>th</sup> August 2015, the issue will have to be immediately taken up with the concerned Corporation.”*

7           On 17<sup>th</sup> August 2015, this Court added the Municipal Corporation of City of Kalyan and Dombivli as party respondents.

8           On 11<sup>th</sup> September 2015, City Industrial Development Corporation of Maharashtra Limited (CIDCO) and Ulhasnagar Municipal Corporation were impleaded as party respondents. In

paragraphs 6 and 7 of the order dated 11<sup>th</sup> September 2015, this Court observed as under:

*“6. It is pointed out that though the affidavit of Shri Satish Shravge, the Superintending Engineer of the Mumbai Construction Circle of Public Works Department refers to the availability of the Toll Free Nos. 1292 and 1293, in fact, the said numbers are not functioning. We direct Shri Satish Shravge to file a supplementary affidavit dealing with this aspect within a period of one week from today.*

*7. We make it clear that if the Toll Free numbers are not actually working, the appropriate action will have to be initiated against the concerned officer who is responsible for this default.”*

9 On 26<sup>th</sup> April 2016, this Court noted that the toll-free line is not working since January, 2016 and that the website was closed. The same was pointed out by the intervenor. Accordingly, the respondent Corporations were directed to ensure that the toll-free line was revived, so that, complaints be received and attended to by the Corporations. Vide order dated 26<sup>th</sup> April 2016, this Court appointed Mr. Jamshed Mistry as an *amicus curiae* to assist the Court in the aforesaid PIL. In paragraph 6 of the order dated

26<sup>th</sup> April 2016, this Court noted as under:

*“6. We expect that this year the Corporation shall take steps to complete the remaining work of filling potholes and the repairs of the roads, which got damaged every year during the monsoon, as early as possible. We hope and expect that the earlier orders passed by this Court from time to time will be complied with by the next date. Stand over to 8<sup>th</sup> June, 2016.”*

10 It appears from the order dated **8<sup>th</sup> June 2016** that the road between the Mankhurd Junction on the Eastern Express Highway which was under construction, was at its final stage of completion and was to be open for the public on or before 15<sup>th</sup> June 2015.

11 On **22<sup>nd</sup> June 2016**, this Court, in paras 16 and 20 noted as under:

*“16. The MCGM has filed an affidavit dated 15/06/2016 along with the details of major and minor road work completed by the MCGM. In the said affidavit, various measures have been listed to carry out pre-monsoon preventive work and unforeseen work. It is further stated that MCGM issued public*

*notice inviting tenders for filling the potholes. However, as response for the above tenders is poor, MCGM has decided to get the work of attending potholes done through the existing agencies that is available for the preventive pre-monsoon works. It is stated that as and when the complaint regarding potholes and bad patches are received or observed by MCGM staff during site inspections, the same will be attended by road engineers at ward level. It is further stated that the priority is being given to keep the road surface motorable and safe during monsoon so as to avoid discomfort to the citizens.”*

*“20. The affidavit further records the use of modern scientific techniques for construction of roads and footpaths and periodic meetings have been held by Standing Technical Advisory Committee (STAC) for improving road quality. They are also taking advice of experts who are appointed as members of STAC. It is also stated that action would be initiated against the concerned officers of the Corporation for failure to maintain the public road, footpath and bridges including the major punishment if severe lapses are found in this respect.”*

12 On 8<sup>th</sup> July 2016, the Indian Road Congress through the Department of Ministry of Road and Surface Transport was directed to be joined as party Respondent and notice was issued to the Indian Road Congress. Similarly, the Respondent-Central Road and Research Institute(CRRI) submitted that there were many advanced methods of repairs of potholes which deserves to be explored by the Municipal Corporation for proper and effective

repairing of potholes. He placed on record a document showing various advanced methods for repairing of potholes. Learned counsel for Respondent-Corporation submitted that out of nine methods suggested, few methods were already tested and were not found feasible and reliable and in some of the methods, the cost was too high. The learned counsel for the Corporation further submitted that in some of the other methods, the verification would be done and if found appropriate, feasible and practicable, the same would be used for repairs of the potholes and that the said methods would be discussed in the Committee Meeting, which was scheduled on 13<sup>th</sup> July 2016.

13            During the hearing, it appears from the order dated 8<sup>th</sup> July 2016 that the learned counsel for the Corporation had submitted that the allegations that the roads at various places were in very bad shape, the Respondent-Corporation would forward the complaints to the concerned department and ensure that appropriate action was taken on those complaints. As regards the

grievance of the Petitioner that the system of Mobile App known as “MCGM 24 x 7” was not properly working and that the photographs sent through the said App were not being uploaded despite repeated efforts, learned senior counsel for the Corporation had submitted that all steps and efforts would be taken to see that the said system works as early as possible. Learned counsel for the Corporation undertook to explore the possibility of other workable system for receiving the complaints and photographs vis-a-vis the condition of roads and potholes. Infact, the Court, in Paragraph 6 of the said order noted, “*We expect from the Respondent-Corporation as also from PWD and MMRDA that they adhere to the guidelines issued in the said circular dated 4th July 2016 while attending the repairs of potholes and carrying out the road repair works.*”

14            In Paragraphs 7 to 10 of the said order dated 8<sup>th</sup> July 2016, it was also observed as under:

*“7. The grievance of the Petitioner is that every year huge amount is being spent for repairs of the potholes but the potholes which are repaired do not last for even one or two rains and the amount so spent is washed away, as a result for the same work again the amount is being spent. The grievance of the Petitioner appears to be reasonable and we feel that this aspect of the matter needs to be examined by the Corporation in the meeting which is to be held on 13<sup>th</sup> July, 2016. Let the affidavit in that regard be filed on the next date of hearing.*

*8. The Corporation shall also take into consideration that even if the cost of the good quality material to be procured as suggested by the counsel for Central Road and Research Institute (C.R.R.I.) goes higher than the present cost of material which is being used for repairing the potholes but if by using the good quality advanced material the life of the work would be lasting for a longer period, then they should consider as to whether that would be more beneficial for the public at large or not.*

*9. We also expect that the authorities of the Corporation, PWD and MMRDA will see that in repairing of the potholes the material which is used is of the same quality or any substandard material is used.*

*10. The learned Government Pleader submits that a decision in regard to the methods of construction and maintenance of roads and potholes has been taken by the committee constituted for it and the report to that effect will be placed on record within a month after getting its approval from the State Government.”* *(emphasis supplied)*

15 On 15<sup>th</sup> July 2016, the counsel appearing for the

Municipal Corporation submitted that five agencies had been shortlisted as suppliers of materials required for the repair of potholes, along with two additional names suggested by the Corporation, apart from those recommended by the CRRI. He submitted that the Corporation will get the material from them on trial basis and use it for repair of the potholes within a week and if results are found to be satisfactory, the Corporation shall finalise the said material. It is also recorded in the said order dated 15<sup>th</sup> July 2016, that learned *amicus curiae* had submitted that “*MCGM 24/7*” system was not functioning properly.

16 The Court in its order dated 15<sup>th</sup> July 2016 directed the Corporation to provide WhatsApp facility in addition to the existing *MCGM 24/7* system and in that regard notify the mobile numbers of the Road Engineers of each of the 24 Wards informing to the public at large through proper publicity by all available modes including in newspapers that on these mobile numbers WhatsApp facility will be available to the public at large for

lodging their complaints and upholding photographs relating to potholes. It further noted that the officers of the Corporation on receipt of such complaints shall act with all promptitude to redress the complaint itself or to forward the same to PWD or MMRDA. Learned *amicus curiae* had also placed on record that the pothole repairing is not being done by the Corporation in a manner in which it ought to have been done. It was also pointed out to the Court that between Mulund and Ghatkopar on Eastern Express Highway, there are about 50 manholes which are open and which are not been guarded and that no sign board or barricading of them has been made. Pursuant to the said submission the learned Government Pleader had pointed out that 70 manholes have been barricaded and in regard to the rest 50 manholes, appropriate steps for barricading them or covering them will be carried out within one week.

17           In Paragraphs 5 and 7 of the said order, it was held as under:

“5. We direct the Executive Engineer, Public Works Department to visit the Express Highway Road and ensure that the potholes on the said road to be repaired and compliance to that effect be filed within a week. In addition, he is also directed to see that the said road which is Express Highway Road is made motorable so that commuters may use it in a real sense as Express Highway.

6. We expect from the Central Law Ministry (Branch Secretary at Mumbai) to appoint the Counsel for newly added respondent i.e. Indian Road Congress through the Department of Ministry of Road Transport and Highways.

7. It is pointed out to us that after repair work is done by the Corporation, PWD or any other agency involved for the same, they do not clear the road as a result gravel is spreading over resulting into accidents. We expect from the Authorities concerned that they shall look into this aspect and file compliance report in that regard also.

*List the matter on 29/07/2016.”*

18 This Court thereafter in its order dated 29<sup>th</sup> July 2016 noted that the State Government in its affidavit filed of the Executive Engineer Road Development in compliance of the order passed on 15/07/2016, the Executive Engineer Road Development Division No. IV, Andheri (West), Mumbai had stated that earlier

all potholes of the Express Way were repaired but due to heavy monsoon for a few days, some new potholes were observed and same were filled up by bituminous cold mix and with polymer asphalt cold mix and the work of covering the potholes was over on 27/07/2016. It was further stated that the Express Way road is now motorable and commuters would now use it. This Court further noted the contentions of the learned AGP that due to heavy rain, out of total potholes to the extent of 3247, the balance 137 potholes were still to be repaired. The Court thus noted that still a large number of potholes are to be filled.

19 The Court in paragraph 2 of the order dated 29<sup>th</sup> July 2016, observed as under:-

*“2. .... We cannot ignore that this is the Express Way and to make it pothole free, immediate steps are to be taken. When we asked learned AGP as to how much time will be required to repair remaining 137 potholes, learned AGP, on instructions, has stated that at least a week's time will be required to fill up those potholes. Let this be done and compliance report be filed. We expect from the concerned Executive Engineer that he will monitor the entire road on daily basis so that the remaining potholes are filled up and as*

*and when there is any new pothole on the road, the same will also be repaired immediately. As regards claim in the said affidavit that the road is now motorable and commuters can make use of the same, learned Counsel appearing for respondents No. 10 & 11 submits that the road is not still easily motorable as it has been washed out and there are several potholes. We expect from the said authority that they will make efforts to make the road motorable so that it can be used conveniently by commuters.”*

20           On 25<sup>th</sup> October 2016, this Court in paragraphs 4 and 5 observed as under:

“4. We also record the statement made by the learned senior counsel for the BMC, on instructions from the Chief Engineer, who is present in Court, that the repairs of the potholes is in progress and attempts are being made to finish the work of repairs of potholes before 31.10.2016. We hope and trust that the statement comes true. We also expect from the MMRDA and PWD to ensure compliance of the work of repairs of the potholes on the Eastern Express Highway as also on various roads falling under their jurisdiction as per the Note submitted by Ms. Thakkar. On the next date of hearing, all the Authorities mentioned hereinabove are directed to submit further compliance report.

5. We also expect from the Municipal Corporation, MMRDA and PWD that before the next monsoon session, the Corporation shall take necessary steps, well in advance, for procuring good quality of material which can sustain for at least that particular monsoon session, for repairs of potholes by resorting to the technologies available in the foreign countries, in the other parts of the country where there is heavy rainfall as

*also by taking aid of Experts in the field like IIT, CRRI and IRC. On the next date of hearing, this aspect be also made clear by the Corporation, BMC, PWD and MMRDA.*

*List on 8.12.2016."*

21 Again on **8<sup>th</sup> December 2016**, this Court in paragraphs 3 to 5 observed as under:

*"3 We direct the Municipal Corporation, MMRDA, PWD, MSRDC and BPT to convene a joint meeting of their officers not below the rank of Executive Engineer on 5<sup>th</sup> January, 2017 at 3.00 p.m. in the office of the Commissioner/Additional Commissioner, Municipal Corporation to find out the solution as to how the potholes can be repaired in such a manner so that it can last for a longer period and in rainy season it may not be washed away. The common complaint is that whenever the potholes are repaired, substandard material is being used, as a result repeatedly huge amount is to be spent benefiting the contractors. It is pertinent to mention that in this regard we had already issued various directions to all the concerned authorities more particularly BMC which the Commissioner/Additional Commissioner shall take into consideration and shall act upon it and inform the progress by filing affidavit in that regard.*

*4. The MMRDA/BMC shall ensure that the potholes of "free way" to be repaired within three weeks from today. We expect that the MMRDA or/and BMC shall stop "passing the buck" attitude in regard to the repair work of "free way". We direct the incharge Executive Engineer, BMC and MMRDA to ensure compliance and submit compliance report within the*

*aforesaid time of three weeks.*

*5. It has been stated by respondent nos. 10 and 11 that the road of Western Express Highway is uneven. Let instructions to that effect be taken by the P.W.D. and on the next date of hearing the Executive Engineer of PWD shall make this point clear as to how this road can be made plain and motorable.”*

22           On 27<sup>th</sup> February 2017 this Court observed that the petition is pending since 2013 regarding the problems of potholes, which are recurring in every monsoon and that no progress has been made so far and that after the first rain, the potholes emerged through out the city, making the life of all the vehicle owners miserable. It was further noted that despite several orders having been passed from time to time by several Benches of this Court, from June, 2016 onwards, the number of potholes have again emerged and it has been reported in the newspapers that several people died as a result of these potholes, more particularly, those who were traveling on two wheelers. It was further observed that all the departments of the Government shall inform this Court as to what steps they have taken to ensure that in coming monsoon the potholes problems will not occur and what other steps need to

be taken to ensure that proper coordination is made between all the departments, which look after the public utilities.

23                   In Paragraph 6 of the said order dated 27<sup>th</sup> February 2017, it was observed as under:

*“6. Hence, we need to find out the solution to these problems. Secondly, the Corporation and the concerned authorities, who are responsible for the maintenance of the roads should give an assurance and an undertaking to this Court and also correspondingly take undertaking from the contractors, who are awarded the work of road restoration that they will impose heavy penalty/fine if the assurance given by them is not fulfilled. We also direct the Joint Commissioner of Police (Traffic) to remain present on the next date. Respondent Nos. 10 and 11 to give a list of their grievances and suggestions for solving this issue within a week to the other parties and/or their advocates.”*

24                   This Court in paragraph 2 of the order dated 10<sup>th</sup> March 2017 noted that Mr. Sanjay Deshmukh, Additional Municipal Commissioner, MCGM had made a presentation and pointed out, that almost 1941 Kms of roads are maintained by MCGM, out of which 650 Kms (35%) are concretized. It was also pointed out that MMRDA has control over 15 kms of Bandra-

Kurla Complex's internal roads and PWD had control over 63 Kms of roads viz: Western Express, Eastern Express Highway and road between Mankhurd to Vashi Creek Highway. In the presentation, it was further pointed that MSRDC had control over 24 Bridges/flyover/skywalk in the City area, etc. and MBPT has control over 26.63 Kms of roads in Port Trust area. The presentation which was given pointed out the Project Works that were undertaken and the preventive measures to be taken prior to monsoon as well as the measures which were to be taken for improvement of roads and the priorities to be addressed by the Additional Municipal Commissioner.

25 In the aforesaid order it was also noted in paragraph 4 as under:-

**“4] .....** We are informed by the Principal Secretary, PWD that work of concretisation of roads under their control is being undertaken and in the next ten years, there should be no problem with respect to maintenance of the said roads. He has also informed us that, so far, no complaints have been received regarding fly overs which

*are maintained by MSRDC which does its work under the supervision of PWD.”*

26 To address the issues raised by the various authorities, this Court was of the view that the suggestions given by the learned *amicus curiae* Mr. Mistry may be taken into consideration by the Corporation, considering the grievance made by the authorities that the Corporation does not get sufficient time to repair the roads as there are restrictions in carrying out repairing of work during the night time. Infact, after seeing the presentation given by Mr. Deshmukh, Additional Municipal Corporation and the assurance given by the Corporation, including PWD and Traffic Department and the other allied Agencies, this Court noted that there is a ray of hope that in the coming monsoon, citizens will have pothole free roads. This Court also observed that however, it was necessary to monitor the roads to see whether the time schedule mentioned in the presentation is adhered to. It was also noted in the said order by the authorities that the Contractors may be made accountable for the roads which are constructed by them

and that the officers who gave a certificate in respect of the roads also should be made accountable.

27           On 3<sup>rd</sup> August 2017 this Court in paragraphs 2 and 4 observed as under:

*“2. On perusal of the records we note that the problem of potholes not being repaired and maintained in time, is not just restricted to the city of Mumbai, but it exists even outside Mumbai city. In that view of the matter, it is just and proper to implead all Municipal local authorities (Municipal Corporation / Municipal Council). We direct the Registry to implead all the Municipal Councils and Municipal Corporations in the entire State of Maharashtra. We direct Mr. Mattos, Government Advocate to furnish a list of Municipal Councils and Municipal Corporations within the State of Maharashtra, within a week.”*

*“4. It would be just and proper to have a Nodal officer where such complaints could be lodged and such Nodal officer could forward the same to the concerned local authority where the Municipal Council or Municipal Corporation as the case may be, for doing the needful. In that view of the matter, we hereby appoint Principal Secretary of Maharashtra State Legal Services Authority, being the Nodal officer of Mumbai city, and for respective Districts, the Member Secretary / State Legal Services Authority as Nodal officers to that District. Members of public are at liberty to give representations to the concerned Municipal authority for espousing the grievances as regards the potholes and the obstacles which cause accidents on the road and then give a copy to the Nodal officer as indicated above for follow up action. If this process is undertaken we hope to a large extent there will not be a grievance before the Court that*

*a particular complaint is not looked into. Anyone and everyone who intends to bring to the notice of a local authority about the condition of the roads can forward copy of such representation to the Nodal officer and the Nodal officer as indicated above, pertaining to Municipal Corporation of Greater Mumbai and District wise local authorities, can make a follow up action with the concerned local authority insisting upon the compliance of deficits and then report back to this Court once in two months”*

28        Thereafter several orders were passed in the interregnum between the aforesaid order and the 8<sup>th</sup> November 2017 order.

29        This Court in paragraph 5 of the order dated 8<sup>th</sup> November 2017 observed as under:

*“5. Looking at the number of complaints received so far, probably one has to form an opinion that public have no time to read the newspaper or they have no time to bother about the safety of users of the roads. We expected lot of apathy in the form of response to the public notice. That apart, we are also of the opinion that the officer in-charge of each ward of the Local Authority of entire State of Maharashtra must inspect and place on record the potholes or bad roads, which require repairs, in the form of information in writing addressed to the Nodal Officer. Other than this, any person and every citizen of this State is entitled to bring to the notice of the Nodal Officer the information either with regard to potholes or bad roads.”*

30            **On 19<sup>th</sup> January 2018** the Member Secretary of the Maharashtra State Legal Services Authority tendered recommendations dated 19<sup>th</sup> January 2018 submitted by the Committee of two Honourable Judges of this Court constituted vide order dated 8<sup>th</sup> November 2017.

31            **On 24<sup>th</sup> February 2018 and 12<sup>th</sup> April 2018** this Court vide its judgment and order gave the following directions:

*“46(ii) The directions contained in clauses (ii) to (xi) of paragraph 34 of the judgment and order dated 20th May 2015 will operate as the final directions with following modifications:*

*(A) All the Municipal Corporations, MMRDA, MSRDC, CIDCO and MBPT as well as the State Government shall maintain all the streets/roads including footways/ footpaths within its respective jurisdictions in good and proper condition. It shall be their responsibility to keep the streets and footways properly levelled and surfaced. It shall be their responsibility to ensure that potholes and ditches thereon are properly filled in. The work of filling in the potholes shall be carried out scientifically as an ongoing project;*

*(B) While granting permissions to various authorities to do digging work on the streets, a condition shall be incorporated by all the Municipal Corporations/other Authorities of prominently displaying at the site of the work the following details:- (a) the name, address and contact details of the agency*

which is doing the digging work and (b) the extent of the digging work permitted and (c) the period within which the work shall be completed. The display boards shall also record the outer limit within which the streets shall be restored to its original condition. Similar Boards shall be displayed at the sites where major repair/reconstruction work of streets is undertaken;

(C) All the Municipal Corporations as well as MMRDA, MSRDC, CIDCO and MBPT shall set up a Grievance Redress Mechanism to enable the citizens to file complaints about the poor conditions of streets. The complaints shall be received by various modes including the following four modes:

- (a) Complaints in writing received at designated centers and in offices;
- (b) Complaints received through dedicated toll free number/s;
- (c) Complaints received through dedicated website; and
- (d) Complaints received by messages via cell phones.

(D) The facility of receiving complaints by the aforesaid methods shall be made available throughout the year. The dedicated websites shall be designed or improvised in such a way that citizens are able to upload the photographs showing the potholes on the streets or poor condition of streets on the website. Arrangement shall also be made to receive such photographs through cell phones. The websites shall be friendly to persons with visual disability;

(E) System of tracking shall be made available to track the actions taken on the basis of the complaints received by all four methods. Tracking facility shall be made available on the dedicated websites. Final action taken report on the basis of the

*complaints shall be uploaded on the websites within a period of three weeks from the date of receipt of the respective complaints. Wherever the citizens have forwarded the photographs of the sites either through cell phones or by uploading the same on the dedicated websites, along with the final report, photographs showing compliance made by carrying out repairs shall be also uploaded on the dedicated websites. All the Municipal Corporations and Authorities shall ensure that the mechanism in terms of the above directions is effectively made available latest by 31<sup>st</sup> July, 2018. We make it clear that till the mechanism as directed above is provided, the existing mechanism, if any, shall continue to function;*

*(F) In addition, the State Government shall create a similar centralized mechanism common for all the Municipal Corporations and Councils as well as all the Planning and other Authorities in relation to the streets in the State. The State and the Mumbai Municipal Corporation shall also consider whether complaints can be received on a website [www.voiceofcitizens.doc](http://www.voiceofcitizens.doc). It shall be the obligation of the State to forthwith forward the complaints received through centralized mechanism to the concerned authorities which are responsible for the maintenance and repairs of the concerned stretches of streets. Such mechanism shall be made available on or before 31<sup>st</sup> July 2018;*

*(G) A very wide publicity shall be repeatedly given by all concerned authorities to the mechanism provided as aforesaid in all leading newspapers, at strategic locations on major streets, in various ward and other major offices as well as on the electronic media on or before 1<sup>st</sup> August 2018;*

*(H) If the Committee appointed under the Government Resolution dated 28th September, 2012 has not submitted its recommendations, the same shall be submitted to the State Government on or before 31<sup>st</sup> July 2018. The State Government shall take appropriate policy decision on the basis of the said recommendations on or before 31<sup>st</sup> August, 2018;*

*(iii) In view of the provisions of the Right of the Persons with Disabilities Act, 2016, necessary steps/ precautions shall be taken by the all the concerned Authorities for protecting the rights of visually impaired persons as observed in the body of this Judgment;*

*(iv) In addition to the above directions, we direct that as far as open manholes are concerned, the Municipal Corporations and other authorities bound by the directions shall take all possible steps to ensure that no open manholes are left unprotected without erecting barricades, without putting on warning lights and without providing effective warning to the citizens including those who are visually impaired. All necessary precautionary steps shall be taken to ensure that the incident of citizens falling inside the open manhole are not repeated;*

*(v) In addition to what is stated in the note placed on record by the State Urban Development Department, the State Government shall take appropriate policy decision about the terms and conditions which should be incorporated in relation to the road contracts which will ensure quality and durability of the work carried out. The State Government shall also take appropriate policy decision of laying down technical specifications of the streets and footways, the specifications of the material which should be used and specifications of the methods which should be used for construction or repair of streets. The State shall issue necessary directions to the authorities which do not have benefit of expertise of the Committee like STAC Committee appointed by the Mumbai Municipal Corporation. Appropriate policy decision shall be taken by the State Government on this aspect within a period of three months from the date on which the judgment is uploaded and necessary directions be issued to all concerned Local Authorities within a period of one month thereafter;*

*(vi) We hold that the principles laid down in the judgment will equally apply to the Municipal Councils established under*

*the said Act of 1965. Therefore, it will be appropriate that the State Government exercises its powers under the various provisions of the said Act of 1965 and especially under Section 312A of the said Act of 1965 for issuing directions to implement the directions issued by this Court. The State Government will ensure that the Director of the Municipal Councils issues such directions by using power under Section 312 of the said Act of 1965 to the Municipal Authorities. This exercise shall be completed within a period of two months from the date on which this judgment and order is uploaded. Equally, the State Government shall issue necessary directions to the Authorities such as MMRDA, MSRDC and Planning Authorities like CIDCO within the aforesaid period. Needless to add that even the said Authorities are under an obligation to create Grievance Redress Mechanism as per the directions contained in this judgment and order;*

*(vii) We direct that all the Authorities who are bound by the directions of this Court will give adequate publicity as already directed regarding availability of the Grievance Redress Mechanism. Wide publicity shall be given to availability of such mechanism with all details as directed above at least thrice a year including in the first week of June of every year;*

*(viii) In addition, the State Government shall give adequate publicity to the Centralized Grievance Redress Mechanism created by it on all district, State or national highways as well as in major Government offices. The State Government shall appropriately publish the information regarding the availability of Centralized Grievance Redress Mechanism at various strategic places on the said highways so that the citizens are in a position to take benefit of Grievance Redress Mechanism;*

*(ix) We also make it clear that it is the responsibility of all the Authorities who are bound by the directions of this Court to ensure that the work of the Grievance Redress Mechanism is monitored by making some officers responsible with a view to ensure that all complaints received through the same are*

*promptly attended and communication to that effect is issued to the complainants. The compliance reports shall report compliance of this direction as well;*

*(x) The State Government shall issue necessary directions to the Traffic Police as observed in paragraph-29 of this Judgment on or before 15th July 2018;*

*(xi) We direct the State Government to call for the information from all Municipal Corporations and Municipal Councils as well as other Authorities regarding compliance with various directions issued under this judgment and order. The reports shall be called on quarterly basis. The said Authorities shall accordingly submit compliance reports to the State Government;*

*(xii) Detailed compliance reports compiled by the State Government shall be regularly placed before this Court;*

*(xiii) It is obvious that compliance reports will incorporate the details of the complaints received and the complaints which were successfully attended to;*

*(xiv) The compliance reports which may be submitted by the State Government will also include the compliance of the directions specifically issued against the State Government;*

*(xv) First such compliance reports shall be placed in this Court on or before 21<sup>st</sup> July 2018;*

*(xvi) Further compliance reports shall be filed on record periodically after expiry of period of four months thereafter;*

*(xvii) The Petition is disposed of with the above directions;*

*(xviii) For considering the compliance reports, the Petition shall be listed on 24th July 2018 under the caption of "Directions". The Registry will seek directions of the Hon'ble the Chief*

*Justice for placing the petition before the same Bench or before a Bench of which one of us is a party;*

*(xix) Copies of the compliance reports shall be supplied to all the concerned."*

32            This Court, whilst giving the aforesaid directions, observed in paragraphs 13, 23, 27, 29, 34, 37 and 39 of the said judgment as under:

*"13. The effect of the aforesaid provisions of the three municipal enactments will have to be considered. As stated earlier, the definition of "street" or "public street" in various municipal laws referred above is very wide which include footways or footpaths. The mandatory duty of the Municipal Corporations and the Municipal Councils is to construct maintain and improve public streets, bridges, causeways, culverts etc. The mandatory duties also include the duty of taking measures for ensuring safe and orderly passage of vehicular and pedestrian traffic on streets. Another obligation is to maintain public streets clean and to provide adequate lights thereon. The third obligation is to remove obstructions, projections upon the streets. Thus, the streets should be constructed, maintained and improved with the object of ensuring safe and orderly passage of vehicular and pedestrian traffic. It follows that it is the mandatory obligation of all the Municipal Authorities to ensure that the streets are constructed and maintained in a good condition so that the passage of vehicular and pedestrian traffic will be safe and orderly. When the streets or footpaths are not levelled properly or when there are potholes thereon or when there are ditches thereon, it cannot be said that safe and orderly passage of vehicular and pedestrian traffic is ensured. The footways and footpaths have to be properly maintained as otherwise it will*

*affect smooth flow of pedestrian traffic. If manholes on the streets (including on foot-ways) are fixed in such a manner that the same obstruct the safe and orderly passage of vehicular and pedestrian traffic, it can be said that the Municipal Authorities have performed their mandatory duties. The manholes must be fixed in such a manner that the level of the manholes is same as the level of the public streets which include footways. Obviously, the manholes cannot be kept open on streets including footways as it will endanger the life of pedestrians. It will also endanger the life of those who are using vehicles. Another mandatory duty of the Municipal Authorities is of keeping the streets properly lighted after sunset.”*

*“23. .... The first and foremost will be making available an easily accessible grievance redress mechanism to the citizens to complain about the bad/poor/improper conditions of the streets. When we say bad condition of the streets, it will also include bad condition of footpaths/ footways as well. Bad condition does not necessarily mean existence of potholes on the streets. If a street is not properly levelled or if a street has a bumpy ride, it will be a bad condition of street. Similarly, if certain works are being carried out on the streets or footways and sufficient safeguards as laid down in the Statutes are not provided, this default will fall in the category of improper condition of streets. If, at a crucial junction or a crucial part of a street or footpath, there is no provision for street lights, it will have to be attributed as a bad or improper condition of streets. If the manholes are not maintained properly, it will be also a bad condition of road. The citizens have right to express grievances about the condition of streets which are not maintained consistent with the mandatory obligations of the Municipal and other Authorities as the same infringe their fundamental right under Article 21 of the Constitution of India. The second part of the directions will be not only about the action taken on the complaints filed, but certain directions will have to be issued dealing with the situation where the complaints are neither responded to nor any steps are taken on the complaints. In this context, certain directions will have to be issued to the State Government for exercise of its plenary*

*powers under the municipal laws. There are ancillary issues such as digging of the roads by different authorities such as electric companies, telephone companies, cellphone companies, internet providers etc. for laying or for repairs to the cables.”*

*“27. However, during the course of final hearing, one more issue was canvassed as to what protection should be given to the visual impaired persons. This Court has already held that right to have streets and footways in good condition is a right protected by Article 21 of the Constitution of India and therefore, there is a corresponding obligation.....”*

*“29. One of the several reasons for traffic congestions streets is a bad condition of streets. Whenever, in a particular street or in a particular area, there is traffic congestion on account of bad condition of the streets, it is the duty of the traffic police department to communicate the same to the concerned local authority so that the local authority takes immediate measures. It cannot be disputed that it is the legal obligation of the traffic police to ensure that such traffic congestion is avoided and when the cause of traffic congestion is the bad condition of streets, it becomes the duty of the traffic police to inform the concerned authorities about the bad condition of the streets. The State Government will have to issue necessary directions to the traffic police so that traffic police takes up such matters with the local authorities.”*

*“34. We are conscious of the fact that as far as the terms conditions of the road contracts are concerned, it is a matter of policy. However, as noted in the earlier part of the judgment, the State Government has a statutory control over the Municipal Corporations and the Municipal Councils. There is power to issue directions to these authorities to ensure that they perform their mandatory duties. The State Government will have to consider of issuing the directions to the local authorities as regards the terms and conditions which should be normally incorporated in road contracts so that the contractors do not take any undue advantage of loopholes and that contractors are made bound by various onerous clauses*

which require them to maintain quality of the roads. A contention was canvassed on behalf of the sixteenth respondent-Indian Road Congress that specifications and guidelines notified by the said entity should be taken into consideration. Even the said submission merits consideration. It is ultimately for the State Government to consider in what manner it will lay down the policy.”

“37. The intervenor appearing in person has pointed out that the were accidents of the persons riding two wheelers as a result of manholes being left open on the streets without sufficient warning or without any warning to the drivers of the vehicles. It is pointed out that as a result of the reckless act of keeping the manholes open without displaying any warning, there has been loss of lives due to accidents involving vehicles and, in particular two wheelers. If a citizen suffers from an injury of any nature as a result of the neglect on the part of the local authorities or the State, as the case may be, to maintain the streets in a reasonable condition, apart from the regular remedy under the law, even a public law remedy will be available to such citizens for infringement of fundamental rights and by taking recourse to a public law remedy, such a person who is a victim of the accident or in case of fatal accidents, his legal representatives can maintain a public law action for seeking compensation against the authorities which are negligent. This aspect will have to be borne in mind by all the local authorities which are entrusted with the duty of maintaining of streets in proper condition.”

“39 In the earlier part of the judgment, we have recorded a finding about the legal obligation of various local authorities and the State Government to maintain streets and footways in a reasonable condition. When a Writ Court finds that there is a right in favour of the petitioner especially a fundamental right, there is always an obligation on the part of the respondents or the concerned authorities to ensure that the said right remains available to the citizens and the citizens are able to exercise the said right very effectively. Thus, there is also an obligation on the part of the authorities to ensure that they do not infringe

*the said right available to the citizens. The directions have been given in some of the interim orders and, especially the interim order dated 20th May 2015 only to ensure that the authorities perform their legal duty and discharge their legal obligation. As observed earlier, it is not for us to venture into the matters of policy and, in fact, as observed earlier, we propose to issue no directions as to what particular policy should be adopted.”*

33 In paragraph 45 of the said judgment, this Court summarised the conclusions as under:-

*“45. We summarize our conclusions as under :-*

*A] It is a right of the citizens which is a part of Article 21 of the Constitution of India to have streets and footways in a reasonable condition. The citizens have right to use public streets and footways without any obstruction;*

*B] The basic object of constructing the streets is to allow passage of vehicles. The basic object of making footways which are part of the streets is to allow the citizens to walk and travel from one place to another. If obstructions are created on the streets and footways in such a manner that the same prevent the citizens from beneficially or reasonably enjoying their right of passage through the streets and footways, surely it will amount to infringement of their fundamental rights under Article 21 of the Constitution of India to have streets in a reasonable condition. If poor or bad condition of the streets or footways prevents the citizens from reasonably enjoying their right of passage through the streets or footways, it will be a violation of the said fundamental right by the authorities which are under a legal obligation to maintain the streets and footways in a reasonable condition;*

*C] As this right vests in the citizens, there is a corresponding obligation of the concerned authorities to ensure that all possible steps are taken to see that the citizens are not deprived*

*of their right to use the streets and footways in effective manner. For that reason, it is the obligation of the said authorities to create appropriate Grievance Redress Mechanism so that the citizens can complain about the violation of their rights. It is the right of the citizens to ensure the municipal and other authorities promptly deal with the complaints by taking effective steps. They have a right to know about the steps taken for upholding and protecting their rights;*

*D] If there is an injury caused to a citizen due to poor condition of streets as a result of negligence on the part of the Municipal and other Authorities, he has a right to seek compensation from the State or local Authorities, as the case may be, which are responsible for maintaining streets. In case of loss of life on account of poor condition of streets due to negligence on the part of the Authorities, the legal representatives of the deceased can seek compensation from the concerned Authorities in accordance with law.”*

34            Although the petition was disposed of by the said judgment, it was directed to be placed under the caption ‘for directions’ for considering the compliance reports. Pursuant thereto, the petition appeared before this Court on several occasions.

35            Again on **17<sup>th</sup> December 2018**, this Court observed that potholes endanger life of people and disturbs the smooth

movement of traffic particularly during the rainy season.

Accordingly, the counsel appearing for the Corporation assured to inform the Court regarding the steps taken on the following issues.

*“(a) Whether a Single authority could be constituted for receiving representations/complaints and monitoring the condition of potholes in the cities.*

*(b) the preparedness to utilise scientific methods, Google mapping, satellite imaging by the Corporation and other authorities.*

*(c) involvement of local elected representatives and Ward Officers in the process for getting information and passing it to the authorities concerned.*

*(d) Sign Boards, electronic boards, mobile electronic signboards at specific locations where there is alarming danger of potholes.*

*(e) employing more number of mobile medical vans at strategic locations during rainy season for providing 24x7 help to persons getting injured due to bad condition of roads and potholes.”*

36            The Court further noted that the appropriate scientific plan for the rainy season of 2019 to tackle the perennial potholes related issue and bad road conditions shall also be prepared

accordingly. A copy of the said order was also forwarded to the Principal Secretary, Urban Development Department and Commissioner, MCGM.

37

On 14<sup>th</sup> January 2019, the following order was passed:

*“As regards issue (a) of the Affidavit in compliance of the order dated 17 December 2018 filed by Respondent No.3- MCGM the learned Senior Advocate, Mr.Sakhare submits that complaint be lodged with the Corporation and as such these complaints would then be forwarded to the respective authorities. As regards issue (b) it is stated that these issues are being discussed and the Corporation would comply with the same.*

*2. As regards (c) i.e. involvement of elected representatives and Ward Officers in the process of getting and passing information to authorities, it is submitted that necessary information would be given.*

*3. As regards the issue of displaying sign boards, electronic boards, mobile electronic signboards at places of dangerous potholes, it is submitted that tender condition itself provides for erecting signboards, electronic signboards and mobile electronic signboard.*

*4. The Corporation shall monitor that these tender conditions are strictly being followed. If they are not followed necessary action will be taken against the persons, organizations, who are*

*involved in carrying out the repair works. On their own the Corporation authorities shall also prepare such appropriate signboards and particularly in rainy season to avoid any inconvenience to public at large.*

*5. As regards the mobile grants, the learned Senior Advocate submits that issue will be discussed with the Commissioner, Municipal Corporation. Same be done accordingly.*

*6. Learned counsel for Respondent Nos. 10 and 11 submits that they will file affidavit in reply.*

*7. Stand over to four weeks.”*

38

This Court in paragraph 4 of the order dated **14<sup>th</sup> January 2019** held that the Municipal Corporation shall monitor that the tendered conditions are strictly followed, and in the event of non-compliance, necessary action shall be taken against the persons or organizations involved in carrying out repair works. The Court further directed that the Corporation authorities shall, on their own initiative, prepare appropriate signboards, particularly during the rainy season, to avoid inconvenience to the public. Regarding mobile grants, it was recorded that the Learned Senior Advocate submitted that the issue would be discussed with

the Commissioner of the Municipal Corporation, and this was directed to be done accordingly.

39           On **20<sup>th</sup> November 2019**, the Petitioner filed Contempt Petition No. 6/2019, highlighting non-compliance through charts and annexing several newspaper articles. The Petition also referred to this Court's earlier Order in WP (Civil) No. 295/2012 dated 6<sup>th</sup> December 2018, wherein it had been emphasized that bad roads should not be a cause of death.

40           Between **28<sup>th</sup> June 2021 and 10<sup>th</sup> August 2023**, affidavits in reply were filed by the Respondents in the matter.

41           Subsequently, in the Order dated **30<sup>th</sup> September 2022**, this Court noted that all potholes were to be repaired immediately, approximately 125 kilometres of asphalt roads were to be resurfaced with asphalt bitumen within three months, and cement concretization works had progressed for 990 kilometres out of a

total 2,050 kilometres of roads under the Corporation's jurisdiction. This Court recorded that tenders had been awarded for ongoing works covering 265 kilometres, with 397 kilometres of tenders to be awarded in November 2022, and the remaining 398 kilometres to be addressed in Phase II. The Court also noted photographs filed by the Petitioners showing substandard quality of cement-concreted roads with visible cracks and directed the Commissioner to examine the grievance and take appropriate remedial action.

42                   In the incident of a pregnant cow falling into an open manhole, this Court in its Order dated **7<sup>th</sup> December 2022** clearly held that if any untoward incident of a similar nature resulted in loss of life or limb, the respective Municipal Commissioner(s), Metropolitan Commissioner, and Chief Engineer shall be held personally responsible.

43                   During the hearing on **14<sup>th</sup> June 2023**, the Court

recorded serious concerns raised by the Petitioner-in-person and the learned *amicus curiae* regarding uncovered open manholes in the city and the likelihood of casualties. Noting a fatal incident involving an open manhole, the Division Bench expressed the view that such an incident should never occur and directed the Municipal Corporation to take all necessary precautions to ensure the safety of citizens.

44 On 19<sup>th</sup> June 2023, the additional affidavit filed on behalf of the Municipal Corporation indicated that protective grills were to be installed on open manholes. However, the affidavit revealed that out of 74,682 manholes, only 1,908 had protective grills, falling significantly short of the expectations set by earlier Orders dated 24<sup>th</sup> February 2018 and 12<sup>th</sup> April 2018, which emphasized public safety. The Court observed that less than 10% of manholes had protective grills, which were fixed only in areas prone to flooding. It was further noted that areas not typically prone to flooding may still experience flooding due to unforeseen

heavy rainfall, and therefore, *prima facie*, there was no reason why protective measures should not be applied to all manholes. The learned Senior Advocate for the Corporation stated that this issue would be placed before higher officers and that the Corporation's stand would be conveyed to the Court.

45           In continuation, on **19<sup>th</sup> June 2023**, this Court further recorded that some manholes lacked the first top layer, which had to be fixed immediately and could not await the prescribed 52-week schedule. This matter was directed to be considered in the review meeting scheduled for **23<sup>rd</sup> June 2023**.

46           Between **24<sup>th</sup> January 2024** and **16<sup>th</sup> March 2024**, affidavits in reply were filed by the Respondents, followed by affidavits in rejoinder by the Petitioner-in-person on **16<sup>th</sup> April 2024**, against both the BMC and the State and other respondents.

47           This Court, by order dated **8<sup>th</sup> October 2024**, held that while the Respondents could not be held guilty of willful

disobedience or contempt of the Court's earlier orders dated 24<sup>th</sup> February 2018 and 12<sup>th</sup> April 2018, having substantially complied with the same, in view of public welfare and the public importance of the directions issued in recognition of the fundamental right under Article 21, the Court revived **Suo Motu PIL No.71/2013**, invoking the principle of continuing mandamus, to ensure ongoing monitoring and full compliance by the Respondents.

48           A Special Leave Petition was preferred in the Apex Court by Ms. Thakker, Party-in-Person, on **17<sup>th</sup> December 2024**, and hence, the High Court, in its order dated **10<sup>th</sup> January 2025**, recorded that the proceedings of the Suo Moto PIL, challenged via **SLP Diary No. 59334/2024**, could await the result of the SLP. The SLP was subsequently disposed of as withdrawn on **18<sup>th</sup> August 2025**.

49           Between **16<sup>th</sup> July 2024** and **2<sup>nd</sup> September 2025**, several incidents of fatalities due to bad roads were reported and

documented through newspaper articles, compiled separately.

Finally, on **12<sup>th</sup> September 2025**, the Court recorded instructions to be taken by Corporation/authorities for payment of medical expenses/compensation for deaths of persons/ injuries due to potholes, and the matter was stood over to **18<sup>th</sup> September 2025**.

50            We are constrained to place the aforesaid orders, the chronology of events, and the directions issued from time to time in the aforesaid petition, only to demonstrate that despite several orders and judgments being passed by this Court, the very same issues concerning potholes, open manholes, resultant deaths and injuries, continues every year. This is despite the bold assurances given by the civic authorities and other agencies of the State to act with alacrity and to create an effective mechanism to address these recurring hazards. The reality is, that the condition of the roads continues to deteriorate every monsoon, and, at places, after the very first shower.

51        It is well settled that civic authorities and other agencies of the State are under a constitutional and legal obligation to ensure the safety, welfare and convenience of the public, which includes the provision of proper means of transport. There can be no justification whatsoever for bad and unsafe roads. Mumbai, being the financial capital of the country, contributes greatly to the revenue of the Centre, the State, and the civic body. In fact, the MCGM is one of the richest corporations in Asia. Bad roads not only endanger human lives but also have adverse consequences for the economy, including the financial health of companies. It is the responsibility of the civic authorities and State agencies to provide proper civic amenities, including safe roads, to the taxpaying public. It is not only a responsibility but a duty of the authorities concerned.

52        As is evident, despite the earlier orders starting from 2015 till date, nothing much has changed. With the onset of every

monsoon, potholes and dilapidated roads once again come to the fore. It cannot be disputed that every person is entitled to live with dignity, as guaranteed under Article 21 of the Constitution of India. The right to life under Article 21 has been expansively interpreted to mean not mere existence but a life with dignity and meaning. Good and safe roads are an essential component of such a meaningful life.

53 It is, therefore, imperative that all civic bodies and State agencies discharge their constitutional and legal obligations by ensuring proper roads throughout the year. Failure to do so, results in a clear infringement of the valuable fundamental rights of citizens, and exposes these authorities to serious legal consequences.

54 Infact, this Court, in its order dated **20<sup>th</sup> May 2015**, has categorically held that the right to have roads in a reasonable condition is a part of the fundamental right guaranteed to its

citizens under Article 21 of the Constitution. In paragraph 9, this Court in its Judgment and Order dated 20<sup>th</sup> May 2015 held thus:

*"9. As pointed out earlier, by the judgment and order dated 31st August, 2006 this Court has already held that the right to have roads in reasonable condition is a part of the fundamental right guaranteed under Article 21 of the Constitution of India. Thus, the Division Bench has placed the right of citizens to have pothole free roads in reasonable condition on the highest pedestal of fundamental rights under Article 21 of the Constitution of India. Existence of such fundamental right creates corresponding obligation in all the authorities which are "State" within the meaning of Article 12 of the Constitution of India. For the infringement of the fundamental right guaranteed under Article 21 of the Constitution of India, a citizen can demand compensation apart from seeking the enforcement of the right. Moreover, a citizen has a right to make "grievances regarding the violation of such right and get the grievances redressed."*

55                   Thus, the right to have roads in a reasonable condition is a part of fundamental right guaranteed under Article 21 of the Constitution of India. The basic object of constructing roads is to allow the passage of vehicles. The basic object of making footpaths/ footways which are a part of street is to allow the citizens to walk and travel from one

place to another. If obstructions are created on the streets or footpaths in such a manner that it prevents the citizens from beneficially enjoying their right of passage through the streets and/or footpaths, surely it will amount to infringement of the fundamental right under Article 21 of the Constitution of India to have streets in a reasonable condition. The fundamental right to have the streets in a reasonable condition will naturally encompass in it right to have the same free of any obstruction which prevents its beneficial or reasonable user. The Apex Court has expanded the scope of Article 21 of the Constitution of India. The Apex Court has held that the right to live dignified life is also a part of Article 21 of the Constitution of India. Right to live a meaningful life is also a part of Article 21 of Constitution of India. In the case of ***Sudhir Madan v. MCD (supra)***, the Apex Court in paragraph 6 observed thus:

*"6. The scheme need not be populist in its appeal, but must be practical and consistent with the rights of citizens, who have a fundamental right to use the roads, parks and other public conveniences provided by the State."*

56 This Court has repeatedly reiterated that the right to have roads in good condition is a part of the fundamental right guaranteed under Article 21 of the Constitution of India, and that such right necessarily includes the right to have roads free from obstructions, dangers, or risks. Where a fundamental right exists in favour of the citizens, a corresponding obligation is cast on the concerned authorities to ensure that the said right remains available and can be effectively exercised by the citizens. It is equally the obligation of the authorities to ensure that they do not infringe the rights guaranteed under Article 21.

57 It is pertinent to note that, the orders passed by this Court from time to time, as reproduced herein-above, were intended only to ensure that the authorities perform their legal duty and discharge their constitutional obligations. During the course of arguments, Ms. Thakkar and the learned *amicus curiae*, Mr. Mistry, have both drawn our attention to and relied upon

several incidents of pothole-related deaths that have occurred in Mumbai, Thane, and the Bhiwandi-Nizampur Municipal Corporation areas. During the course of argument, the blame game started, each authority attempting to shift responsibility/onus on the other authority, claiming it was the latter's duty to maintain the roads. Although several directions have been issued by this Court, and assurances have been given by the State that all agencies would be brought under the overall control of the MCGM, nothing tangible appears to have been done till date.

58            Deaths and serious injuries caused due to potholes and open manholes have become a regular feature during the monsoon. It is high time that civic authorities, along with the contractors entrusted with road maintenance, are held accountable for such deaths and injuries. We find no seriousness on the part of the authorities in addressing this perennial problem. Unless civic authorities are made accountable, this tragic scenario will continue

to repeat itself every year. Accountability must be fixed not only on the contractors but also on the civic authorities themselves.

59           It is, therefore, high time that compensation be awarded to victims or their families who have suffered deaths or injuries on account of potholes. Only then will it serve as a wake-up call for the agencies concerned. It is well settled that when officials of a public authority fail to perform their statutory duties, this Court, can, while exercising jurisdiction under Article 226 of the Constitution, not only issue necessary directions but also fasten vicarious liability on the public authority, when the authorities fail to discharge their public duty to protect the fundamental rights of its citizens.

60           The majority of persons sustaining injuries or losing their lives due to potholes are two-wheeler riders, largely belonging to the middle and low-income groups. They are often

the sole breadwinners of their families, and their loss results in irreparable financial and emotional hardship to their dependents. It is well settled that when there is a violation of a fundamental right under Article 21 by a public authority, the Court has the power to direct payment of compensation to the victims.

61           In fact, to refuse to award compensation in a petition involving pothole-related deaths or injuries, and merely to remind the civic authorities of their duties, would amount to rendering mere lip service to the citizens' fundamental right to safe roads, a right which has been grossly violated. Compensation must necessarily be awarded for such deaths and injuries, so that the State and civic authorities are compelled to put their house in order by initiating appropriate action against delinquent officers and defaulting contractors/engineers, responsible for the pathetic road condition.

62           It is also well settled that public law proceedings serve a

distinct purpose, different from private law remedies, and that the relief of monetary compensation by way of exemplary damages under Article 226 is permissible in cases where there has been an infringement of the fundamental right under Article 21 of the Constitution.

63        It is well settled that compensation under public law is a remedy available to citizens for breach of their constitutional, basic, and indefeasible rights. Such compensation is founded on strict liability for violation of fundamental rights. Therefore, it is permissible for this Court, in exercise of its jurisdiction under Article 226 of the Constitution, to mould the relief by awarding compensation in public law, particularly when parties seek enforcement or protection of fundamental rights.

64        In such cases, the Court not only enforces the rights of the citizens but also penalises the wrongdoer and fixes liability on the public authorities who have failed to discharge their public

duty of protecting fundamental rights. The compensation awarded in such cases is in the nature of exemplary damages imposed against the wrongdoer for breach of public duty. Needless to state, this is independent of, and in addition to, the remedies available to an aggrieved party under private law—such as a civil action in tort before a competent court, or prosecution of the offender under the penal laws.

65            Although, there has been some compliance with respect to earlier directions, potholes continue to remain a perennial problem even today. It is noteworthy that some roads in Mumbai, which have not been relaid for decades, still remain in good condition despite heavy rains, whereas newly constructed roads develop potholes within days of the onset of the monsoon. This clearly indicates poor quality of materials and substandard workmanship in road construction. Though some municipal corporations have claimed to have taken action against contractors

by imposing fines, such measures have not resolved the problem. There is little doubt that those who are obliged to maintain the roads under the Municipal Laws are not doing their jobs effectively as they sound. Unless those responsible for pothole-related deaths and injuries are made personally accountable, and are compelled to bear monetary liability from their own pockets, they will not understand the gravity of the issue.

66 Over the last three to four decades, the Apex Court has considerably expanded the scope of the right to life under Article 21 of the Constitution, recognising that it includes the right to live a meaningful and dignified life. Just as footpaths are provided for citizens to walk safely, roads are provided for citizens to travel comfortably by vehicles. If roads are riddled with potholes, or are otherwise in a dangerous condition, they endanger the lives of citizens. Numerous accidents caused by bad roads, resulting in deaths and serious injuries, undoubtedly amounts to violation of the fundamental right guaranteed under Article 21.

67           Once such a right is established, a corresponding duty is cast on civic authorities to ensure its protection, including the obligation to provide reasonable compensation to citizens or their families for deaths or injuries caused by potholes/open manholes.

68           Despite crores of rupees being collected by way of toll and other revenues, the deplorable state of roads reflects gross civic apathy. Accountability shall henceforth be fixed on officers and contractors to ensure that public revenue collected for infrastructure is effectively and faithfully utilised for its intended purpose.

69           It is the duty of all Authorities to ensure that roads are constructed and maintained in such a manner that they do not require repairs for a minimum period of five to ten years. It is observed that there are roads within Mumbai, Pune, and certain other cities which have remained intact without any repairs for decades. The Authorities shall bear the aforesaid in mind while

awarding contracts for construction and maintenance of roads to contractors.

70

Accordingly, in order to ensure effective redressal, accountability, and timely implementation, the following directions are issued, in addition to those already passed by this Court from time to time:

(i) Compensation for deaths and injuries shall be paid by the Authority concerned i.e. the Municipal Corporations, MMRDA, MSRDC, MHADA, BPT, NHAI, and the PWD, as the case may be. In cases of death caused by potholes or open manholes, a sum of Rs.6,00,000/- shall be paid to the legal heirs of the deceased. In cases of injury, compensation ranging from Rs.50,000/- to Rs.2,50,000/-, depending upon the nature and gravity of the injury, shall be paid. Needless to state, this is independent of, and in addition to, the remedies available to an aggrieved party under any other law.

(ii) For the determination of compensation,

Committees shall be constituted as follows:

- Within the limits of a Municipal Corporation, the Committee shall comprise of the Municipal Commissioner of the respective Municipal Corporation and the Secretary of the District Legal Services Authority (DLSA) of that district.
- Within the limits of a Municipal Council, it shall comprise of the Chief Officer of the Municipal Council and the Secretary of the DLSA of the district.
- Outside municipal limits, the Committee shall comprise of the District Collector and the Secretary of the DLSA of the concerned district.
- In the case of MMRDA, MSRDC, PWD, BPT, or NHAI, the Committee shall consist of the senior-most officer, i.e., the Principal Secretary / Chairperson / CEO of the Authority,

alongwith the Secretary of the DLSA of that District.

(iii) Meetings of the Committee shall be held at a venue to be mutually decided by the parties. The first meeting shall be convened within seven days of the receipt of information relating to a death or accident. Thereafter, the Committee shall meet atleast once every fifteen days, or earlier if necessary, to monitor progress, implementation, and compliance with these directions, more particularly, during the monsoon period.

(iv) The Committee may act *suo motu* or on an application submitted by the legal heirs of deceased persons or by injured persons, as the case may be. It may also take cognizance on receipt of information from any source, including newspaper reports. The officer in charge of the concerned police station shall be duty-bound to communicate details of any such incident to the Committee within forty-eight hours. Applications submitted before the Municipal Corporation, Municipal Council, District Collector,

or offices of the PWD, MSRDC, MMRDA, NHAI, or BPT, and the Secretary, DLSA of that District shall be forwarded to the Committee in duplicate without delay. An additional copy of the application shall be submitted directly to the Secretary, DLSA of that district.

(v) Compensation may be disbursed by the Committee from the fines or amounts recovered from the contractors. In the absence of such funds, the concerned Municipal Corporation, Municipal Council, or District Collector (in areas outside municipal limits), PWD, BPT, MMRDA, MSRDC, or NHAI, shall bear the liability. The amount so paid shall thereafter be recovered, upon inquiry, from the officers, engineers, or contractors found responsible for deficiency in maintenance of roads.

(vi) The Committee so constituted shall identify victims of death or injury caused due to potholes or open

manholes.

(vii) In each case, the Committee shall conduct an inquiry. Compensation shall first be disbursed by the concerned Corporation, Council, or Authority, and recovery thereafter effected from the persons found responsible, whether officers, engineers, or contractors. The Committee so constituted shall oversee the recovery process from the concerned contractor or engineer responsible for road maintenance.

(viii) Strict disciplinary and penal action shall be taken against contractors and officers found guilty of defective or substandard work. Such action shall include blacklisting, imposition of penalties, and initiation of appropriate departmental or criminal proceedings, in accordance with law. The recovery mechanism directed above shall operate in addition to these measures.

(ix) All potholes, once brought to the notice of the

concerned Corporation or Authority, shall be attended to forthwith and, in any event, within forty-eight hours. Failure to do so shall constitute gross negligence and shall warrant departmental action against the responsible officers and contractors.

(x) Compensation, as directed, shall be disbursed within six to eight weeks from the date of receipt of the claim. Failure to do so shall render the Municipal Commissioner, Chief Officer, District Collector, CEO, Chairperson, or Principal Secretary, as the case may be, personally responsible for the delay. In such cases, the compensation shall carry interest at the rate of 9% per annum from the date of the claim until payment.

(xi) Wide publicity shall be given by the State of Maharashtra to these directions so that affected persons or families may approach the Committee for relief.

71 Stand over to **21<sup>st</sup> November 2025**, for submission of compliance report by all the respondent-authorities, with respect to all directions stated aforesaid, in particular, the following directions:

- (i) the number of complaints received by the Committees so constituted;
- (ii) the disbursement of compensation;
- (iii) action taken against the contractors/officers;
- (iv) Details of fines imposed on contractors i.e. compliance of the clause (viii);
- (v) Departmental action taken as per clause (ix) against persons responsible.

72 In view of the above order, nothing survives for consideration in the Interim Application (Lodging) No.29119 of 2025. The same stands disposed of.

73            All concerned to act on the authenticated copy of this order.

*SANDESH D. PATIL, J.*

*REVATI MOHITE DERE, J.*