

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR

Public Interest Litigation No. 57 of 2010

Manish s/o Shri Dinesh Soni vs. The State of Maharashtra and others.

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Notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's  
Orders.

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Shri S.P.Bhandarkar, Adv. for petitioner.  
Smt. B.H.Dangre, GP for R-1 to 3 & 8 .  
Shri J.B.Kasat, Adv. for R-4  
Shri P.C.Madkholkar, Adv. for R-6  
Shri S.J.Khandalkar, Adv. for R-7  
Shri V.H.Kedar, Adv. for R-5.  
Shri S.K.Mishra, ASGI for R-9 & 10.

**CORAM : B.R.GAVAI & C.V.BHADANG,JJ**

**DATE : 26.3.2014**

The present petition has been filed in the larger public interest seeking direction to the respondents to eliminate the parking congestion in the City of Nagpur and to provide for parking places, for direction to the respondent no.3 Commissioner of Police, Nagpur to seek enforcement of Traffic Rules and Parking Regulations, for development of the Central Bus Stand for the city buses etc.. It is a common ground that in the recent past, the traffic congestion has become a serious problem at all the places including the City of Nagpur.

2. One of the reasons, for adding to the traffic problem, is that though in residential areas, many high rise buildings are coming up for commercial purpose including hospitals, no adequate provision is made for parking for the vehicles. All the citizens residing in the City of Nagpur have witnessed that in the lanes of the City wherein the buildings are coming up either for some commercial purpose or hospitals etc. the numbers of cars and two wheelers parked on either side of the roads, thereby causing great hindrance in flow of traffic.

3. To a pertinent question made to Shri S.K.Mishra, the learned ASGI who is appearing for Union of India and incidentally appears for the Nagpur Improvement Trust and Nagpur Municipal Corporation in connected matters states that the Nagpur Municipal Corporation as well as Nagpur Improvement Trust are bound only by DPRs. In the DPRs the parking is provided only on the basis of the FSI to be utilized in the construction. He submits that the DPRs do not provide any different set of Rules for providing increased parking insofar as the Hospitals which are coming in the residential area are concerned.

4. We find that the situation existing needs a drastic re-look. If the building is coming up for hospital, then by necessary implication the number of vehicles visiting the said building would

increase many fold.

5. In that view of the matter, the DPRs must take into consideration the user of the building while providing number of parking places which the such building should have.

6. It is further to be noted that now a days in the City of Nagpur large size apartments are coming up. From the advertisements given in the Newspapers, it appears that the flats admeasuring more than 3000 sq. ft. are being offered in the City of Nagpur. If a person purchase a flat of that size, in all probabilities, he may possess at least 2-3 four wheelers. It is in that view of the matter, providing only one parking place for such a big apartment would serve no purpose and add to the already existing parking problem.

7. It is further commonly known that many persons possess more than one vehicle. At times, size of such vehicles is also a factor to be taken into consideration which adds to the traffic congestion.

8. We are aware about our limitations. These are all the matters within the domain of the executives and the legislature. However, while sitting in the jurisdiction under Articles 226 of the

Constitution of India and while considering the matters of public importance, we can not keep our eyes closed to the problems faced by the citizens.

9. Smt. B.H.Dangre, learned GP states that the State Government is already seized with the matter. She states that only on account of the Code of Conduct due to parliamentary election, the State Government could not take any concrete decision in the matter.

10. We expect the State Government to apply its mind to the glaring problems being faced by the citizens and come out with certain measures so as to amend the Rules providing for adequate number of parking places in the building, so also some deterrent measures so as to prohibit the persons from using unnecessarily more number of vehicles etc..

11. Before we proceed further in the matter, it will be appropriate that the State Government takes some decision in the matter. We, therefore, adjourn the matter to 11<sup>th</sup> June, 2014. We are sure that this is more than sufficient period to the State Government and the authorities to look into the problem and find out some solution to it.

Stand over to 11<sup>th</sup> June, 2014.

**JUDGE**

**JUDGE**

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Bombay High Court