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Suo Moto PIL(L)-27145.23

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

SUO MOTO PIL (L) NO.27145 OF 2023

High Court of Judicature at Bombay
on its own Motion : Petitioner.
Versus
Municipal Corporation for
Greater Mumbai and anr. : Respondents.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**
DATE : 29th SEPTEMBER, 2023

P.C. :

1. Mr. Jamshed Mistry, learned counsel, has invited our attention to an email dated 22nd September 2023 which was sent to him by one Mr. Karan Sunil Shah, who, the email states, is differently abled and has to therefore use a wheelchair. The email highlights that the recent installation of poles/bollards at the entrance of footpaths in the City of Mumbai, though installed with a salutary objective of *inter-alia* making the footpaths safer and more conducive for those having to use wheelchairs, has infact had the adverse effect since they have rendered footpaths inaccessible.

2. The email attaches to it photographs which highlight/explain the difficulties faced by those having to use wheelchairs as more particularly elaborated in the said email. One of the photographs depicts that the distance between the poles is so little that it makes it impossible for the wheelchair to pass through. The end result is that even though these poles/bollards have been installed to ensure *inter-alia* that the footpaths are safer and more conducive to use for those who are differently abled and/or those having to use wheelchairs, but infact, they cannot.

3. Mr. Mistry also placed reliance upon an order passed by the Madras High Court in which a similar issue had arisen and is being looked into.

4. Given this, we find it appropriate to take Sou Moto cognizance of the grievance raised by Mr. Karan Sunil Shah in the said email. We thus appoint Mr. Jamshed Mistry, learned

counsel, to act as an Amicus Curiae in the matter.

5. We direct the Registry to issue notice to the Municipal Corporation for Greater Mumbai and the State of Maharashtra. We make the notice returnable on 18th October 2023.

6. We direct the Registry to serve the copy of the said email along with this order upon the Municipal Corporation for Greater Mumbai and the Government of Maharashtra.

7. Place the matter on 18th October 2023 for directions.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)