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## Setback to BMC: Citizens' group to continue upkeep of Priyadarshini Park, rules high court

Last year, the Brihanmumbai Municipal Corporation (BMC) passed an order take back the 20-acre ground from the forum

MUMBAI

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Kanchan Chaudhari  
Hindustan Times



Priyadarshini Park.

Priyadarshini Park at Napean Sea Road will continue to be managed by the Malabar Hill Citizens' Forum, as the Bombay high court on Thursday struck down last year's order by the Brihanmumbai Municipal Corporation (BMC) to take back the 20-acre ground from the organisation.



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In April 2017, the municipal commissioner had terminated the agreement with the forum for maintaining the park on the ground that it had violated terms and conditions of the allotment. On April 17, 2017, a deputy municipal commissioner had passed an order to dispossess the forum of the park and start the process of reclaiming it.

A division bench of justices Abhay Oka and Riyaz Chagla said the municipal corporation cannot dispossess the petitioner in this manner “without following the due process of law”.

According to the bench, the civic body should have resorted to section 105(B) of the Mumbai Municipal Corporation Act, 1888, which empowers the municipal commissioner to evict persons occupying municipal properties. The judges said the civic body cannot dispossess the petitioner without following the procedure mentioned in the legal provision.

In the high court, the forum had contended that the BMC did not own the park, and therefore cannot order eviction.

The bench, however, refused to enter into the debate on whether the park was owned by the BMC or whether the petitioner had violated the allotment terms and conditions.

Acting on a plea of the Malabar Hill Citizens’ Forum, the court had earlier ordered the removal of a fire station inside the recreation park, without first taking over the ground.

The BMC had reserved an area measuring 5,000 square metres for the fire station as there was none in the vicinity and fire tenders used to come from far-off



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Gowalia Tank. It was done to ensure that fire emergencies were duly attended to.

The proposed fire station was one of the four to be constructed by the BMC.



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