

MAY IT PLEASE YOUR HONOR

I, Shyam H. Menghani -- Age 58 years, resident of Prem Bhavan, Old Ram Nagar Coop. Hsg. Soc., Opp. Gurudwara, Plot No. 582, Flat No. 10, 3rd Road, Khar, Mumbai - 400052 -- do hereby beg to state my grievances, as a victim of land mafia - MCGM (H) Ward - Khar Police Station - Politician nexus as documented below.

I also hope to explain during the course of my humble submission, without implying any mistrust of the legal profession, why I have chosen to represent myself.

That a nexus exists will be borne out by my chronological account of the atrocities against me, my ensuing complaints, and the subsequent inaction of all authorities concerned. I have also described the particulars of the mechanism of due process, which this nexus perverts and exploits; and the manner in which it does so. I further beg to state that I make this submission under extreme duress.

I also crave leave to refer to suits relevant to my case along with instances where the directives and decrees of the honorable courts are being disregarded.

end: I furthermore pray for, immediate relief to me, in the instances of bodily harm and mental torture to me, threats to the security of my family and person, and loss of livelihood; and also immediate punishment for those proven guilty and responsible for the same.

I pray that this be done expeditiously at least in instances where my account of the facts and the documentary evidence presented by me are sufficient as proofs of wrongdoing. The matter is several years old; all the due processes have been complied with. I have approached legal aid, Mantrayala, even the human rights court. I have no other recourse left.

I am a layman and all I can do is provide the papers I have gleaned through running from pillar to post in the course of seeking justice.

1. I have been staying at the above address since more than 50 years with my father, aged 86 yrs., wife, brother and son. In 1971 the society had allotted to me a plot of land in front of my flat for the purpose of constructing a car parking garage, in which I was earning my living as a mechanic.

On 14th Nov. 1998, one **Gopal Sharma/Vyas**, approached me with a gang of ten to twelve people and ordered me to remove my equipment and my client's cars, out of the premises, as he had some repairing work to carry out, but which I knew to be for the purpose of carrying out his illegal construction activity. This Gopal Sharma already had several pending complaints, and also a chapter case, registered against him following which fact he was released on a bond of Rs.10,000/- in October 1984. [*Documentary evidence for the highlighted part of the above statement will have to be sought from sources over which I have no authority*]. (Annexure: doc. Nos. 3 to 6).

When I asked him to get proper authorization from the society and MCGM, he turned violent and assaulted me physically. I immediately rushed to Khar police Station where **API Shirsat** refused to lodge my complaint, and instead, locked me up under Section 151 for 24 hours, thus enabling Gopal Sharma/Vyas and his gang to throw out my equipment, move my client's cars outside, and demolish my legally constructed shed. [*Again, I regret that I have no documentary evidence for the above stated complaint as the police are not required to file any charges under section 151 and I doubt if Khar Police Station has maintained any record of my illegal detention; all I can prove is that my shed was legally constructed and that it has been illegally demolished.*]

I had, of necessity, to be released the next day, and when I insisted that Khar Police put a stop to the illegal construction - initiated by the use of force and assault by this Gopal Sharma/Vyas gang -- I was told that it was a civil matter and that I

had better approach MCGM, as it was their job. Even if illegal construction was a matter for the MCGM, assault, damage to property and forceful eviction are matters in which the police are empowered and legally obliged to act. In addition to that, API Shirsat used a combination of threatening innuendos and promises, to ask me to refrain from pursuing the matter any further. He assured me that he would personally oversee the demolition of Gopal Sharma's illegal construction, (for which demolition order had already been passed), and have my shed reconstructed, in a month's time. I, being a middle aged man, earning my living as a mechanic and having a family to support, opted to bide my time. After stalling me in this way for 3 months, API Shirsat was transferred. [I beg to state here without proof that API Shirsat's motives bear scrutiny, if not for his involvement in the larger conspiracy, to the extent that he misused his authority and failed to take any action against the wrongdoers, in this particular incident.] When approached, his replacement, **API Vikram Pawar** proposed to mediate between Gopal Sharma/Vyas and myself to resolve the issue peacefully. He called us, heard both sides, took my statement without any acknowledgment, and assured me that Gopal Sharma would vacate my premises in a week. After a week, and till the day he was transferred API Vikram Pawar was never reachable. (Annexure:

2. On 9th March, '99, my father was beaten unconscious with a belt when he refused to sign a sale agreement brought by this Gopal Sharma, for which he had to be hospitalized. On duty **sub-inspector Nandlal Patil** refused to lodge his complaint and asked him to go to Bhabha Hospital

instead. When no action was forthcoming, my father wrote to addl. Comm. on 23rd March, '99. In response, he was called by **API Uttam Sawant** vide letter dt.29-3-'99 asking him to be present at Khar Police Station. When he presented himself as asked, API Uttam Sawant took my father's signed statement and then told him to come again in a week. Again my father and I received letter dt.24-5-1999 asking us to state our case. When we appeared at Santacruz Police Station, **ACP Madhukar Ghorpade** took no heed of our complaint and instead began threatening us with dire consequences if we pursued the matter any further. On 16-6-1999, I wrote to DCP (zone) with c.c. to Addl. Comm. and Khar Police Station. To date, no F.I.R. has been filed against Gopal Sharma despite medical evidence.
(Annexure[]):doc

3. On top of all of the above, MCGM sent me a notice bearing no. HW/351/245/AEBXF/IV dt.9-6-1999, to which my reply dt.11-06-1999 was deemed, 'not satisfactory'. I then had to hire a lawyer and incur considerable cost and hardship to prevent MCGM from demolishing my legally authorized structure through L.C. Suit No. 7672 of 1999 for which ad interim injunction was granted on 14-12-1999 and notice of motion made absolute on 13-01-2005. To quote the honorable judge when she made the notice of motion absolute (p.7), "...regularization of unauthorized structure was complied by the plff. long back in 1977 itself and therefore, again issuance of notice for the same structure which is regularized by the Corporation itself is illegal." Unquote. L.C. Suit 7672/'99 is still pending in court because of: i.) Deliberate failure of MCGM H/ward officers, or lawyers, to be present in court when required,

ii.)Deliberate failure to submit proper documents in time, and iii.)Unnecessary inclusion of Mrs. Sunita Sharma, wife of this very same Gopal Sharma, as respondent, even though both of her chambers summons (nos. 514 & 30) were rejected by the court.

4. Meanwhile, following my complaints against the illegal activities of Gopal Sharma vide letters dt.07-12-1998 and Dpty. Mun. Comm. Shri Chandra Shekhar Rokade issued order copy no. 957 dt. 24-8-1999 asking MCGM H/Ward to do the needful and take action under MRTP act 1966 and M.P.D.A. act (1981). To date no action has been taken, in defiance of the above order, as well as, in clear contempt of court with regard to case no. ABN/CC.I/325 of 1984. The court had unambiguously directed that only a temporary tank of brick and mortar be allowed, and was to be demolished when the work was completed, whereas in its place, a permanent RCC tank was made and still stays intact.

5. On 03-09-1999, I was again assaulted with swords and gupties when I went to take possession of my shed as per direction from Khar Police Station. My friend Tulsidas K. Nair, who had come to help me along with 8 laborers sustained sword injuries on the shoulder for which FIR 356 was registered in Khar Police Station. No further action was taken in the matter as the injured T.K. Nair was coerced into not pursuing the case. On 04-09-1999 I wrote to Addl. Comm. Mr. Rakesh Marai, on 17-09-199 to Municipal Comm. of Mumbai, Mr. K. Nalinakshan with cc. to D.M.C. (Gen.), Bandra Div. and Sr. Inspector of Khar Police Station, on 23-09-1999 to Addl. Comm. of

Zone VII, through my lawyer to D.M.C. Zone III, Andheri with cc. to D.M.C. Bandra and H/W Ward. No action has been taken to date in the matter.

6. On 9-10-1999, Gopal Sharma and his goons assaulted me in the presence of MCGM Officers, Mr. Kamble and Mr. Bhagat of H/W ward who had been there to inspect the site in response to my complaints against his illegal constructions. To date no FIR has been filed for the above despite medical evidence.

7. In contrast to the leniency shown by the authorities to this Gopal Sharma, on 29-12-1999 proceedings were initiated against my minor son and me under sections 107 and 113 of IPC, at his behest and on the basis of his false complaint. Again I had to incur costs and hardship by having to appeal vide CRI writ petition no.1078 of 2000 to clear our name, and finally enquiry no.114 was quashed by the honorable court on 19-10-2000, while its directive asking the special executive magistrate to conclude the investigation by passing appropriate orders has been complied with as late as -----.

8. On 15-5-2000, my wife and I were again assaulted by Gopal Sharma, Ajay Sharma, Rajesh Sharma, Kiran and two henchmen. PSI Vijay Hirammat refused to lodge our complaint despite medical evidence. On 16-5-2000, I had to write through my lawyer to Addl. Comm. (North West). No FIR has been filed in this matter to date.

9. On 16-3-2001, I wrote to Shri M.N. Singh IPS Comm. of Police with cc to Addl. Comm. of Police North West, D.C.P. Zone VII. In response I received a letter dated 7-4-2001 asking my father and me to be present on 8-4-2001 at Khar Police station to record our statements. Accordingly, we appeared on the given date where our statements were noted, related papers taken from us without any acknowledgement, and we were asked to leave. Following this my tools and equipment, which were thrown outside by Gopal Sharma and his henchmen earlier, were stolen. When I approached API Uttam Sawant, he refused to lodge any complaint and instead began to menace me. On 22-07-2001 I wrote of this to Shri M.N. Singh, Addl. Comm. of Police, N/W and the D.C.P., Zone VII. No action has been taken to date in the matter.

10. On xx-xx-2001, I appealed to Late M.P., Shri Sunil Dutt, who directed me to MLA Baba Siddique. Whenever I approached Mr. Siddique, he stalled me with false assurances and the excuse of his preoccupation with family marriages, Haj, assembly meetings, election campaigns, etc. Ultimately, on 19-7-2001 he issued a letter to ward officer, H/W ward, countermanding my legitimate complaints and illegally staying the scheduled demolition on the pretext of it being a very old temple, when in fact no such temple existed.

11. On 04-04-2001, I was directed to the establishment officer, High Court Legal Services Committee, Mumbai. After several visits as per dates given to me, I was only made to run from one table to the other and mistreated. My

complaint dt.17-07-2001, in this regard, has not been looked into yet.

12. My subsequent complaints to Khar Police Station regarding illegal activities of Gopal Sharma/Vyas vide letters dt. 08-05-2001 and 10-05-2001 elicited no response from them. In fact, I was again assaulted by Gopal Sharma and his goons on 15-09-2001 (OPD case 34661), 21-03-2002 (OPD case 41979), 07-12-2003(OPD case 52301), and 16-12-2003 (OPD case 41979). No FIR has been filed to date.

13. In response to my complaints, on 14-12-2004, Mr. Ashish Shelar, Chairman, Improvements committee, called for a joint meeting on 21-12-2004. When I appeared at his chamber at the designated time nobody was present. On 27-01-2005, he arranged a site visit. Once again, none of those asked were present, including Mr. Shelar.

14. My attempt to move those sitting in Mantralaya vide my application dt.13-1-2005 ended up with my receiving the same treatment that I had suffered at hands of the establishment officer, High Court legal services committee. I was given dates and made to run from one table to the other.

List of documents relied on:

No	Name	Description	Pages
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- 1 Exhibit A OPD case papers, medical reports
- 2 Exhibit B Complaints to Police dept.
- 3 Exhibit C Complaints to MCGM
- 4 Exhibit D Replies by MCGM and rebuttal to them
- 5 Exhibit E Record of visits to legal aid
- 6 Exhibit F Application to Mantralaya and record of visits.
- 7 Exhibit G Copies of court orders, chamber summons

