

road, pavement or footpath. In Olga Tellis v. Municipal Corporation of Greater Bombay [(1985) 3 SCC 545], another Constitution Bench had held that "we are, therefore of the opinion that the procedure prescribed by Section 314 of the Bombay Municipal Corporation Act for removal of the encroachment on the footpath over which the public has right of passage cannot be regarded as unreasonable, unfair or unjust. There is no static measure of reasonableness which can be applied to all situations alike. Indeed, the question "Is this procedure reasonable?" implies and postulates the inquiry as to whether the procedure prescribed is reasonable in the circumstances of the case."

It is for the Court to decide in exercise of its constitutional power of judicial review whether the deprivation of life or personal liberty in a give case is by procedure which is reasonable, fair and just or it is otherwise. Footpath, street or pavement are public property which are intended to serve the convenience of general public. They are not laid for private use and indeed, their use for a private purpose frustrates the very object for which they are carved out from portions of public roads. The main reason for laying out pavements is to ensure that the pedestrians