

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3375 OF 2015

Natwarlal Lallu Kharva	..	Petitioner
<i>-Versus-</i>		
State Government of Maharashtra and Ors.	..	Respondents

Mr.N.PBhavsar for petitioner

Mr.Devvrat Singh with Mahesh Mishra i/b. Ravi Thankaian for respondent
No.2

Ms. Gauri Rao, AGP for respondent No.1

CORAM : R.M.SAVANT, J

DATE : 16th APRIL 2015.

P.C.

1] The writ jurisdiction of this Court is invoked against the order dated 17th March 2015 passed by the learned President of the Maharashtra Slum Tribunal by which order, the application filed by the respondent No.2 herein for being joined as party in Appeal No.24 of 2010 filed by the petitioner herein, came to be allowed and resultantly, the respondent No2 herein was permitted to be joined as a necessary party to the said Appeal.

2] The said Appeal has been filed, challenging the notification dated

15th October 1977 issued under section 4 of the Slum Act notifying an area of about 945.9 sq.mtrs falling in C.T.S.No.82/127, as a Slum. Since the appeal was belated the petitioner had filed an application for condonation of delay. It appears that the said delay in filing the Appeal was condoned and, thereafter, the Appeal was also decided on merits and was allowed. Resultantly, the declaration of Slum was set aside by the order dated 12th April 2013 passed by the Slum Tribunal.

3] The said order dated 12th April 2013 was challenged by the Respondent No.2 herein by way of Writ Petition No.1532 of 2014 and the challenge was on the ground that the petitioner therein that is respondent No.2 herein was not heard by the Tribunal in the said Appeal, as it was not made a party to the said appeal. The challenge was also sought to be raised to the order condoning the delay in filing the Appeal.

4] However, since the order condoning the delay passed by the Tribunal was not annexed to the said petition, the said challenge was not entertained. A learned Single Judge of this Court by order dated 13th November 2014 set aside the order dated 12th April 2013 passed by the Tribunal and remanded the matter back to the Tribunal for a de novo consideration. While setting aside the said order, this Court granted the

respondent No.2 herein who was the petitioner in the said petition (W.P.1532 of 2014) the liberty to move the Tribunal for withdrawal of the order passed by the Tribunal on the application for condonation of delay. The Tribunal was also directed to hear the Appeal of respondent No.3 (petitioner herein) and the objections, if any, of the petitioner (respondent No.2 herein) on merits. It is on remission that the respondent No.2 filed the application for its impleadment. Apart from relying upon the order passed by the learned Single Judge in the said petition, it is the case of the respondent No.2 that it is the owner and developer of the land involved in the appeal being a part of the larger plot of land on which a slum rehabilitation scheme is being implemented.

5] Hence, the Tribunal having regard to the order passed by the learned Single Judge in the said Writ Petition No.1532 of 2014 as also having regard to the fact that the respondent No.2 is the owner/developer deemed it appropriate to allow the application for impleadment filed by respondent No.2.

6] In my view, having regard to the facts as aforesaid, no fault can be found with the order passed by the Slum Tribunal allowing the application for impleadment filed by the respondent No.2. Hence, no case for

interference in the writ jurisdiction of this court is made out. The Writ Petition is accordingly dismissed.

(R.M.SAVANT, J.)