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

WRIT PETITION (L) No. 645 OF 2015

Sanjay Ramsajeevan Dubey and Ors.Petitioners

Vs.

The Chief Executive Officer,
Slum Rehabilitation Authority,
SRA & Ors.

....Respondents

Mr.Sanjiv Sawant for Petitioners

Mr.J.G. Reddy for Respondent No.1

Mr. Milind More- AGP for Respondent Nos.2,3 and 5

Mr.Pravin Samdhani, Senior Counsel a/w. Mr. Aditya Shiralkar a/w. Mr.

Rahul Kedar i/b. M/s.Shiralkar & Co. for Respondent No.6

Mr.Chirag Balsara i/b. Sanjay Udesb & Co. for Respondent Nos.7 & 8

CORAM : V. M. KANADE &
B.P COLABAWALLA, J.J.

DATE : JUNE 17, 2015

P.C. :

1. By this petition, which is filed under Article 226 of the Constitution of India, the Petitioners are seeking the following reliefs:

“a. Rule be issued and record and proceedings pertaining to the complaint dated 4th April, 2014 be called for along with the Letter of Intent and Revised letter of Intent dated 1st November, 2012 be called for and this Hon'ble Court be pleased to pass an order initiating an

enquiry into the implementation of the SRA Scheme pertaining to plot of land bearing CTS No.3996, 3997, 3998, 3999, 4000, 4001, 4002 and 4002(A) at village Kirol, Ghatkopar, Taluka Kurla, Mumbai in the Suburb of District of Mumbai and take appropriate action against respondent Nos.6, 7 and 8 in accordance with law;

b. This Hon'ble Court be pleased to direct the Respondent No1. To take action under Clause 10 of the Revised Letter of Intent dated 1st November, 2012, against Respondents No.6,7, and 8 and be pleased to revoke all the permissions i.e. LOI, IOD, and all permissions granted pertaining to the SRA Scheme.

c. The Hon'ble court be pleased to revoke the LOI's issued to the respondent developer due to inaction on the part of the respondent developer in complying LOI conditions and the societies for violating the conditions of the LOI at the hands of the SRA Authorities and further Hon'ble authority may initiate appropriate enquiry against the Respondent Developer for violating the conditions of the LOI dated 1/11/2012 respectively.

d. This Hon'ble court be pleased to issue appropriate order or direction thereby directing the respondent Nos.1 to 4 to forthwith call for the record and proceedings pertaining to Annexure II and Annexure III wherein the forged and fabricated documents and after perusing the said documents be pleased to take immediate action thereby cancelling the said illegal eligibility qua the fraudulent slum dwellers;

e. This Hon'ble Authority be pleased to issue

appropriate order or direction thereby directing the respondent Nos.1 to 4 to forthwith call for the record and proceedings pertaining to Annexure II and Annexure III wherein the forged and fabricated documents have been utilized and those who are not eligible are made eligible on the basis of the forged and fabricated documents and after perusing the said documents be pleased to take immediate action thereby cancelling the said illegal eligibility qua the fraudulent slum dwellers;

f. This Hon'ble Court be pleased to pass an order cancelling all the permissions including commencement certificate issued pursuant to the Revised Letter of Interim dated 1st November, 2012;

g. Pending the hearing and final disposal of this petition this Hon'ble Court be pleased to pass an order thereby directing the respondent No.1 to take action under Clause 10 of the Revised Letter of Intent dated 1st November, 2012;

h. Pending the hearing and final disposal of this petition this Hon'ble Court be pleased to pass an order thereby staying all the permissions granted pursuant to the SRA Scheme pertaining to plot of land bearing CTS No.3996, 3997, 3998, 3999, 4000, 4001, 4002 and 4002(A) at village Kirol, Ghatkopar, Taluka Kurla, Mumbai in the Suburb of District of Mumbai as the Developer has not complied with LOI conditions dated 1/11/2002.

i. This Hon'ble Court may be pleased to grant status quo till final disposal of this writ petition;

j. For interim / ad-interim relief in terms of prayer

clause (d) and (e) hereinabove.

k. This petition be finally allowed.

l. That the Hon'ble Court be pleased to allow to add, alter and amend Petition as the circumstances of this case may require.

m. Such further and other reliefs considering the facts and circumstances of the case may be granted in the interest of justice, equity and good conscience.”

The learned counsel for the Respondents has raised a preliminary objection. It is submitted that the Petitioners have an alternate remedy of approaching the High Power Committee, which has been constituted pursuant to the judgment given by this Court in the case of **Tulsiwadi Navniram Co-op. Housing Society Ltd. And another Vs. State of Maharashtra and others [2008(1) ALL MR 318]**.

2. The learned counsel appearing on behalf of the Petitioners has submitted that the Petitioners have also filed complaints with SRA as well as with the High Power Committee. However, no cognizance of those complaints filed by the Petitioners has been taken. The grievance of the Petitioners is that the bogus names have been added to Annexure-II and procedure, which was required to be followed under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, has not been followed and there are various other irregularities, committed by the SRA and other Authorities.

3. This Court in the case of **Tulsiwadi Navnirman Co-op Housing Society Ltd. and another (supra.)**, has held that the Committee should be constituted by the Government for looking into the grievances of the occupants and thus, pursuant to the said judgment, the High Power Committee has been constituted. The scope of power and authority of the HPC has been confirmed by the judgment of the Division Bench of this Court in the case of **Susme Builders Private Limited vs. Chief Executive Officer [2012(6) ALL MR214]**.

4. In our view, the reliefs which are claimed by the Petitioners can be considered and decided by the HPC. We, therefore, direct the Petitioners to file a separate application/appeal before the HPC within two weeks from today. They may also annex the complaints, which have been already filed before the concerned Authorities. The HPC shall issue notice to all the concerned parties and, thereafter, decide the case as expeditiously as possible, preferably within a period of six months. All the contentions raised by all the parties are kept open. The writ petition is disposed of.

[B.P COLABAWALLA, J.]

[V. M. KANADE, J.]