

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

WRIT PETITION NO. 1967 OF 2013

Mohiuddin Tayyab Soni & ors. ... Petitioners.
Versus
The Slum Rehabilitation Authority & ors. ... Respondents.

Mr. P.K. Samdhani, Sr. Counsel i/b. Wadia Ghandy & Co., advocate
for Petitioner.

Mr. Vijay Patil a/w. Mr. J.G. Reddy, advocate for respondent No. 1.

Mr. D.A. Nalavade, Govt. Pleader a/w. Mr. M.P. Jadhav, AGP for
respondent Nos. 2 and 3.

Mr. P.K. Dhakephalkar, Sr. Counsel a/w. Mr. Ajay Patil, advocate for
respondent No. 4.

Mr. P.S. Dani, Sr. Counsel a/w. Mr. Amol Mhatre, advocate for
respondent No. 5.

CORAM : B.R. GAVAI & A.S. GADKARI, JJ
DATE : APRIL 15, 2015

P.C.:

1 The facts in the present case are almost similar with the facts in
Writ Petition No. 1965 of 2013, which we have dismissed by order of
even date. Shri Samdhani, learned Senior Counsel submits that

though the other facts are similar, the issue of locus would be different in the present matter. He submits that though the said Petition is dismissed by this Court on the ground that the Petitioner therein had no locus, in the present case, the Petitioners are owners of the land in as much as the land is transferred to them by the original owner by way of registered deed. However, the same is vehemently disputed by Shri Dhakephalkar, learned Counsel for the respondent No. 4. He submits that the record would show that the Petitioners are not the owner.

2 We however, do not find it necessary to go in that dispute. In view of the reasonings given while dismissing the Writ Petition No. 1965 of 2013, the present Petition also deserves to be dismissed.

3 Undisputedly, in the present case also the Petitioners have not filed an appeal as is provided under sub-section 3 of Section 4 of the said Act and not only this, in the present case also, apart from service of notice on the registered owner at his last known address, the notice

was also published in Free Press Journal and Navshakti on 23/2/2006.

4 As already discussed by us while deciding Writ Petition No. 1965 of 2013, right to make a representation prior to issuance of final notification is available to the owner by virtue of proviso to Section 14 of the said Act. If the Petitioners were really interested, they could have very well availed the remedy available to them in accordance with the proviso to Section 14 of the said Act. However, for the reasons best known to the Petitioners, the Petitioners have not done so and had filed earlier Petition after a period of almost four years from the date of issuance of notification which is decided by this Court on 30/11/2012.

5 In that view of the matter, we are of the considered view that since the Petitioners have failed to avail of the remedy as provided under sub-section 3 of Section 4 of the said Act and also available to them under proviso to Section 14 of the said Act, the petition has no

merit. The Petition is therefore, dismissed for the detailed reasons given while dismissing the Writ Petition No. 1965 of 2013.

(A.S. GADKARI, J)

(B.R.GAVAI,J)