

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

WRIT PETITION NO.1489 OF 2008

Nenshi Monji (Bombay), a Family Trust
and Others.

: Petitioners

V/s.

The State of Maharashtra and Others.

: Respondents

WITH

CONTEMPT PETITION NO.14 OF 2012

In

WRIT PETITION NO.1489 OF 2008

Nenshi Monji (Bombay), a Family Trust
and others

: Petitioners

V/s.

The State of Maharashtra and Others

: Respondents

...

Dr.Virendra Tulzapurkar, Sr.Advocate i/by M/s.Madekar & Co. for
petitioners.

Mr.E.PBharucha, Senior Advocate, with Ms.Geeta Shastri, Addl.
Govt. Pleader for respondent nos.1 to 4.

Mr.A.V.Anturkar, Senior Advocate, with Mr.A.P.Jadhav for
respondent nos.5.

Mr.G.D.Uttangale with Mr.B.V.Phadnis for respondent no.6.

Mr.Girish Godbole i/b. Mr.Akshay P. Jadhav for respondent no.7.

...

CORAM : MOHIT S. SHAH, C.J. &
B.P.COLABAWALLA, J.

DATE : 16 JANUARY 2015.

P.C.:

After the judgment is pronounced, learned counsel for the petitioners prays for extension of the interim order of *status quo*.

2. The learned counsel for the respondents, particularly, learned counsel for respondent no.5 and respondent no.7 oppose the prayer and submit that implementation of the slum rehabilitation project has already been delayed on account of *status quo* order obtained by the petitioners. Learned counsel for Respondent No.7-Developer submits that Respondent No.7 has been paying rent to the slum dwellers for transit accommodation at the rate of Rs.1,40,000/- per day. It is submitted that consideration of applications by SRA for permission to construct the slum rehabilitation building will take some time. Therefore, that process should be allowed to be continued. It is also submitted that since slum dwellers are presently occupying the temporary alternate accommodation elsewhere for which rent is being paid by respondent no.7, respondent No.7 proposes to construct temporary alternate accommodation for them on the land in question itself and at least there should not be any objection to construct such temporary construction.

3. It is further submitted that in case the petitioners succeed before the higher forum, respondent no.7 will permit the petitioners to retain such constructed temporary accommodation and will not claim any price higher than the value as may be placed by SRA on such temporary construction.

4. Having heard the learned counsel for the parties, we find considerable substance in the submission made on behalf of respondent no.5 and respondent no.7. Hence, we direct respondent nos.5 and 7 not to put up any construction of the slum rehabilitation building and free sale building for a period of eight weeks from today, but it will be open to respondent nos.5 and 7 to apply to all the authorities for necessary permissions for such construction and respondent no.7 will be at liberty to construct temporary transit accommodation for the slum dwellers on the same land, in accordance with law.

(CHIEF JUSTICE)

(B.P.COLABAWALLA, J.)