

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.152 OF 2014

Arun V. Sapkal and Others. .. Petitioners
Vs
M.C.G.M. And Others. .. Respondents

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Shri Tushar Kochale i/by Khan Altaf Chattan for the Petitioners.
Mrs. Shobha Ajitkumar, AGP for the BMC.
Ms. Uma Palsule-Desai, AGP for the State.
Ms. Amin Wandrewala along with Ms. Swati Sawant i/by S.K. Legal for
the Respondent No.3.
Shri Vijay Patil for Respondent No.4.
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CORAM : A.S. OKA & C.V.BHADANG, JJ
DATED : 20TH APRIL 2015

PC.

. We have perused the affidavit of Shri Satish Y. Thatte, the Assistant Engineer in Slum Rehabilitation Authority. In paragraph 3 of the said affidavit, there is a specific statement that there is no Notification issued by the State Government in accordance with Section 354AAA of the Mumbai Municipal Corporation Act, 1888 (for short “the said Act of 1888). We accept the said statement. In view of the said statement in the affidavit, it is obvious that the Slum Rehabilitation Authority cannot exercise any power by virtue of Section 354AAA of the said Act of 1888.

2. As there is no Notification issued under Section 354AAA of the said Act of 1888, the prayer clause (A) has become academic and, therefore, it is not necessary to consider the said prayer as of today. In view of what is observed above, the prayer clause (b) does not survive.

3. By accepting the statement made in Paragraph 3 of the affidavit of Shri Satish Y. Thatte, the Assistant Engineer in Slum Rehabilitation Authority, the Petition is disposed of.

4. Notice of Motion No.239 of 2015 does not survive and the same is disposed of.

(C.V.BHADANG, J)

(A.S. OKA, J)