

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION NO.2411 OF 2011
WITH
CHAMBER SUMMONS NO.148 OF 2013**

M/s. Krish Developers
a Partnership Firm having
its office at 216, Tardeo
Air Condition Market, Tardeo Road,
Tardeo, Mumbai 400 034.

...Petitioner.

versus

1. Municipal Corporation of
Greater Mumbai
Mahapalika Marg, C.S.T.,
Mumbai 400 001.
2. Assistant Commissioner
"E" Ward Mumbai
Municipal Corporation of Greater
Mumbai, "E" Ward Office, Byculla,
Mumbai.
3. Chandrakant Coure
Assistant Estates,
Municipal Corporation of Greater
Mumbai having his office at MCGM
2nd Floor, Chatrapati Shivaji Market,
Palton Road, C.S.T., Mumbai 400 001.
4. Ajit Ghodke, Assistant
P. Gurjar, Deputy Chief
Engineer (PPPP) 5th Floor, Mumbai
Municipal Corporation of Greater
Mumbai, Mahapalika Marg, C.S.T.,
Mumbai 400 001.
5. Ekta Sahakari Grih Nirman
Sanstha (Proposed) Room No.1,
Chawl No.32, C.S. No.1928 and
10/1928 of Byculla Division at

Jyotiba Phule Marg, Sat Rasta,
Mumbai 400 011.

6. Ekta (Estates) Co-op.
Housing Society

..Respondents.

.....
Dr. Milind Sathe, Senior Advocate with Mr. Prasad Dani, Senior Advocate with Mr. Ravi Gandhi, Mr. Mahek Kamdar i/b Mr. Kanga & Co. for the Petitioner.

Mr. Joaquim Reis, Senior Advocate with Ms. Yamuna Parekh for Respondent Nos.1 to 4.

Mr. Indrajeet Kulkarni for the Applicant / Intervener.

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CORAM : B.R. GAVAI &
A.S. GADKARI, JJ.

16th April, 2015.

ORAL JUDGMENT (PER B.R. GAVAI, J.) :

The Petitioner has approached this Court seeking a writ of Certiorari for examining the legality, validity and propriety of the decision of the Respondent Municipal Corporation to redevelop the property which is the subject matter of the present Petition by calling tenders under Regulation 33(9) of the Development Control Regulations for Greater Mumbai, 1991 (hereinafter referred to as 'the DCR') and for quashing and setting aside the said decision. The Petitioner has also prayed for a mandamus directing Respondent Nos.1 and 2 to issue Annexure II in respect of building tenants for enabling the implementation of the scheme submitted by the Petitioner on behalf of Respondent No.3 on 25th August, 2006, in respect of the property which is the subject matter of the present Petition.

2. The case in brief of the Petitioner as would be gathered from the pleadings of the Petition appears to be thus :-

The property bearing Survey No.1928 and 10/1928 of Byculla Division situated at B.J. Marg Byculla (West) (hereinafter referred to as 'the said property') is owned by Respondent No.1, Municipal Corporation of Greater Mumbai. The part of the land is occupied by slums. On some part of the land there are buildings owned by Respondent No.1 in which the tenants are residing. Since the buildings are in dilapidated condition and since the part of the area is occupied by slums, there was a proposal for redevelopment on the said property. It is the case of the Petitioner that the Slum Rehabilitation Authority (hereinafter referred to as 'the SRA') has forwarded a proposal to the Assistant Commissioner of Respondent No.1 and further that Respondent No.1 has also accepted the proposal of the SRA for redevelopment of the said property by implementing a combined scheme under Regulation 33(7) and 33(10) of the DCR as per Clause 7.7 of Appendix IV of Regulation 33(10) of the DCR 1991. It is further the case of the Petitioner that though the Petitioner had complied with all the requisite formalities, the Corporation was sitting tight over the proposal submitted by the Petitioner and as such, the Petitioner was required to file Writ Petition No.1550 of 2009. It

appears that when the Petition was listed before the Division Bench of this Court on 18th August, 2009 a statement was made on behalf of Respondent No.1 Corporation that the proposal of the Petitioner cannot be considered for lack of essential documents. This Court therefore directed the Petitioner to appear before the concerned authority on 26th August, 2009 and submit all the requirements with the said authority who was thereafter directed to consider the proposal of the Petitioner in accordance with law and pass appropriate orders within eight weeks. However, it appears that since no decision was taken on the proposal, the Petitioner was again required to approach this Court by way of Writ Petition No.313 of 2010.

3. It was contended by the Petitioner before this Court that along with the proposal the Petitioner had already submitted consent of more than 70% tenants and 70% of the slum dwellers. It was submitted that in spite of that, Respondent Nos.1 and 2 were avoiding issuance of Annexure II. This Court vide order dated 23rd June, 2010 directed the Respondent Corporation to take a decision in the matter within a period of two weeks from the said date and issue Annexure II if the Petitioner has complied with all the requirements. The Petition was again listed before this Court on 3rd August, 2010. On the said day, the counsel for the Municipal Corporation placed on record the instructions under letter dated 3rd August, 2010 for seeking extension

of time. This Court vide order dated 3rd August, 2010 granted extension upto 15th September, 2010.

4. However, it appears that during the pendency of the Petition, Respondent No.1 Municipal Corporation took a decision to develop the scheme under Regulation 33(9) instead of Regulations 33(7) and 33(10) by issuing a tender notification. The said was disclosed in an affidavit dated 1st June, 2011 filed by Respondent No.1 in the said Petition. The Petition thereafter came up before a Division Bench of this Court on 11th July, 2011. The Division Bench vide order of the said date observed that the purpose for which the Petition was filed had been worked out. It was further observed that in the event the Petitioner or any other person is aggrieved by the decision taken by the Corporation, they would have recourse to such remedies as are open in law. With the said observation, the Petition came to be disposed of. The Respondent Municipal Corporation was also directed to give a copy of the decision to the Petitioner.

5. After disposal of the said Petition, the present Petition has been filed for the reliefs as afore-stated. It further appears that during the pendency of the Petition, the Petitioner had also approached the Municipal Commissioner. The Municipal Commissioner gave hearing to the Petitioner and passed a speaking order on 8th November, 2013. By

way of amendment the Petitioner has also challenged the validity of the said order.

6. Dr. Sathe, learned senior counsel appearing on behalf of the Petitioner submits that the Petitioner is pursuing the project right from 2006. He submits that not only that, but the Respondent Municipal Corporation has permitted the Petitioner to proceed with the project, on the premise that the development work would be done in view of Regulations 33(7) and 33(10) of the DCR. He submits that during the pendency of the earlier Petition i.e. Writ Petition No.313 of 2010 itself a decision was taken by the Respondent Corporation thereby granting approval for execution of the project under Regulations 33(7) and 33(10). He further submits that subsequently with an ulterior motive the said decision was changed and a decision was taken to develop the project under Regulation 33(9). He submits that in any event the scheme cannot be developed under Regulation 33(9). The learned senior counsel submits that in view of Regulation 33(9) read with sub clause (vi) of Regulation 1.1 in Appendix III-A of the said DCR if an area comprising slums is more than 25%, then a scheme cannot be implemented under Regulation 33(9). He submits that it is an undisputed fact that the slums are situated on an area admeasuring 6,676.48 sq.mtrs. He submits that 11 municipal buildings and 18 vacant lands are situated on a plot of land admeasuring 10.525 sq.

mtrs. He, therefore, submits that if the total area is taken into consideration, the area covered by the slums would be much more than 25% of the area and as such, the scheme under Regulation 33(9) would not be permissible. The learned senior counsel relying on Regulation 33(9) read with sub clause (vi) of Regulation 1.1 in Appendix III-A of the said DCR and further the communication addressed by the Additional Secretary to the Government of Maharashtra dated 26th March, 2014 to one Mr. Kashinath Parbate submits that while considering the slums area, what has to be construed is the entire area under the slums and a concept of eligible slum dwellers is not permissible. The learned senior counsel submits that in view of Regulation 62, the interpretation as placed by the State Government is binding upon all the parties including Respondent No.1 which is the planning body. The learned senior counsel therefore submits that the approach of the Respondent Municipal Commissioner in attempting to demarcate the slum area only on the basis of eligible slum dwellers is not permissible in law. The learned senior counsel therefore submits that if the scheme cannot be implemented under Regulation 33(9), then the only recourse available to Respondent No.1 Corporation, is to revert back to the earlier scheme as submitted by the Petitioner under Regulations 33(7) and 33(10) and grant approval to Annexure II so that the Petitioner can go ahead with the implementation of the scheme under Regulations 33(7) and 33(10).

7. In the alternate, Dr. Sathe, learned senior counsel submits that the Petitioner's case would also rest on the principle of promissory estoppel. The learned senior counsel heavily relying on a document at page No.124 of the paper-book, submits that the Respondent Municipal Corporation had in fact granted approval to Annexure II, for the slum part and for allowing redevelopment jointly under Regulations 33(7) and 33(10). He further submits that not only this, but on an assurance given by the Corporation, the Petitioner has progressed much in the project and has made substantial investments. The learned senior counsel on the basis of averments in paragraphs 113 and 115 of the Petition submits that the Petitioner has spent an amount of Rs.4.50 Crores. In addition to that, the Petitioner has also issued Bank Guarantee dated 12th October, 2010 in the sum of Rs.1.25 Crores to the SRA. He further submits that the Petitioner has entered into agreement with various tenants and has also paid rent to them. The learned senior counsel therefore submits that, when on an assurance given by the Respondent Municipal Corporation, the Petitioner has altered his position to his detriment, Respondent No.1 cannot be permitted to rescind from the representation made by it to the Petitioner. It is therefore submitted that the Petition deserves to be allowed and the decision taken by the Municipal Corporation for development of the scheme under Regulation 33(9) deserves to be

quashed and set aside and mandamus needs to be issued to the Respondent Municipal Corporation to grant necessary approval for implementation of the scheme under Regulations 33(7) and 33(10).

8. Per contra, Mr. Reis, learned senior counsel appearing for the Respondent Municipal Corporation submits that as a matter of fact no permission of any nature has been granted to the Petitioner to proceed with the project under Regulations 33(7) and 33(10). In so far as the reliance placed by the Petitioner on the document at page No.124 is concerned, he submits that it is an internal noting of the department. He submits that the noting itself would reveal that the decisions which were taken were subject to the approval of the higher authority i.e. Additional Municipal Commissioner. He submits that no such approval has been granted by the higher authority and as such, the contention in that regard is without substance. In so far as letter of intent is concerned, the learned senior counsel submits that the same is issued by the SRA. He submits that, however, no consent or no NOC of the Respondent Municipal Corporation has been obtained by the SRA prior to giving of the said letter of intent. In any case, he submits that the said letter of intent has been stayed by a High Power Committee which is an appellate forum by its order dated 18th June, 2011. He further submits that the, issuance of the said letter of intent is a matter between within the Petitioner and the SRA. It is submitted that

however, in so far as Respondent No.1 Municipal Corporation is concerned, there is not a single document on the basis of which it can be said that the Corporation has granted its approval for implementation of the scheme under Regulations 33(7) and 33(10).

9. The learned senior counsel further submitted that, the Municipal Commissioner while arriving at a decision to develop the project under Regulation 33(9) instead of Regulations 33(7) and 33(10) has taken into consideration various relevant factors. The learned senior counsel submits, that it has been noticed that if the development work is done under Regulation 33(9), instead of Regulations 33(7) and 33(10), it is not only more beneficial to the Municipal Corporation, but is also more beneficial to the tenants in as much as they would be entitled to the larger area after redevelopment. The learned senior counsel therefore submits that the Petition deserves to be dismissed. He submits that on account of the litigation, the project has been stalled for years together and the redevelopment work could not proceed further. The learned senior counsel therefore submits that the Petition deserves to be dismissed with exemplary costs.

10. With the assistance of the learned counsel, we have scrutinized the entire material on record.

11. The first contention of the Petitioner is that the Corporation has permitted it to proceed further with the implementation of development scheme under Regulations 33(7) and 33(10). In this respect, a reliance is sought to be placed on the orders passed by this Court in Writ Petition No.1550 of 2009 and various orders passed in Writ Petition No.313 of 2010 and the office noting of the Respondent Municipal Corporation at page No.124. Perusal of the first order dated 18th August, 2009 is concerned, it can be seen from the said order that, what was stated before the Court by the Corporation was that they cannot dispose of the proposal submitted by the Petitioner, for the lack of essential documents. In that view of the matter, the Court directed the Petitioner to submit all the requirements to the authority and the authority was directed to consider the proposal of the Petitioner in accordance with law. We are unable to read anything in the said order which would give an impression that the Respondent Municipal Corporation had decided to accept the proposal of the Petitioner for development under Regulations 33(7) and 33(10). As far as the order dated 23rd June, 2010 in Writ Petition No.313 of 2013 is concerned, what could be seen from the order is that the Court has recorded the statement of the Petitioner, that the Petitioner had submitted joint proposal for redevelopment under Regulations 33(7) and 33(10) along with the consent of 70% of the tenants and 70% of the slum dwellers. In that view of the matter, the Court directed the

Respondent Municipal Corporation to take a decision in the matter within a period of two weeks and issue Annexure II if the Petitioner had complied with all the requirements. Even from this order it, cannot be seen that there is any assurance given by the Municipal Corporation that it had granted approval or granted approval atleast in principal to the proposal submitted by the Petitioner for development under Regulations 33(7) and 33(10). In so far as the order dated 3rd August, 2010 in Writ Petition No.313 of 2010 is concerned, perusal of the said order, reveals that what was done by the Corporation was seeking extension to take decision, as directed by this Court vide order dated 23rd June, 2010 and as such, granted extension upto 15th September, 2010.

12. In so far as the last order dated 11th July, 2011 in Writ Petition No.313 of 2010 is concerned, in the said order the Court had recorded the submission made on behalf of the Corporation, that it has decided to develop the scheme under Regulation 33(9) and as such, the Court observed that the Petition had served its purpose. We are also unable to find anything in the said order, which can be said to give an impression that there was an approval given by the Corporation, for development of the scheme under Regulations 33(7) and 33(10).

13. That leaves us only with the document which is at page No.124

of the paper-book. The said document is an office noting dated 3rd August, 2010 by the Assistant Commissioner. No doubt that the said document refers to a decision by the Additional Municipal Commissioner to allow redevelopment jointly under Regulations 33(7) and 33(10). Clause (2) of the said noting refers that Annexure II for slum part is prepared and will be sent to the SRA after Additional Municipal Commissioner (Project)'s approval. It can thus be also seen that the notings which are noted by the Assistant Commissioner, were subject to approval by the Additional Municipal Commissioner. Nothing is placed on record to show that there was an approval by the Additional Municipal Commissioner. It is further to be noted that the highest administrative authority of the Municipal Corporation vests in the Municipal Commissioner. Nothing is placed on record to show that the Municipal Commissioner has taken any decision to develop the scheme under Regulations 33(7) and 33(10) and that the proposal by the Petitioner to develop the scheme was accepted by him. On the contrary, perusal of the record would reveal that, the decision taken by the Municipal Commissioner is regarding development of the scheme under Regulation 33(9). In that view of the matter, we find that the contention of the Petitioner that he has proceeded with the work of development under Regulations 33(7) and 33(10), on the basis of assurance given by the Municipal Corporation holds no merit.

14. In so far as the letters of intent which are issued by the SRA are concerned, the same are issued by the SRA. A perusal of the record would reveal that, it is the specific case of the Municipal Corporation that the letters of intent were issued by the SRA without proper certified Annexure II. Respondent No.1 therefore being aggrieved by the grant of letters of intent had approached the High Power Committee which is an appellate forum. It is pertinent to note the following observations in the order passed by the High Power Committee dated 18th June, 2011 :

“It was pointed out by officers of MCGM that as on today no certified Annexure-II has been issued by the Competent Authority. Hence, the LOI issued by SRA is on the basis of incomplete documents. It is further brought to the notice of this Committee, that the developer in meetings held before the Addl. Municipal Commissioner (Projects) post the issuance of LOI by SRA had never pointed out about the issuance of the LOI by SRA.

In view of the aforesaid facts of this case and the letter of Asstt. Commissioner 'E' Ward dtd. 7-8-2010 and letter of Dy. Collector (SRA) to Asstt. Commissioner 'E' Ward dtd. 24-9-2010, it is clear that the LOI and the revised LOI issued by SRA is on the basis of incomplete documents.”

15. It can thus be seen that the letter of intent which was granted by the SRA was on the basis of incomplete documents. Not only that but the Petitioner in the meeting, which was held before the Additional Municipal Commissioner had also not pointed out the fact about

issuance of letter of intent by the SRA. In view of this specific observation nothing more requires to be said. In any case, a letter of intent issued by the SRA would bind only the SRA and not Respondent No.1 Municipal Corporation, who is the owner of the land.

16. The next contention of the learned counsel is that the development under Regulation 33(9) is not viable in as much as the slum area is comprised of more than 25% of the total area of redevelopment. The learned senior counsel strenuously submitted that the approach of the learned Municipal Commissioner in only taking into consideration the area which is occupied by eligible slum dwellers for the purpose of quantifying 25% area is erroneous. In this respect he has relied on the aforesaid communication by the Additional Secretary to the State of Maharashtra dated 26th March, 2014 read with Regulation 62 of the DCR.

17. We find that at this stage it will not be necessary for us to go into the question as to whether for implementing the scheme under Regulation 33(9) read with sub clause (vi) of Regulation 1.1 in Appendix III-A of the said DCR, the entire slum area is required to be taken into consideration for quantifying 25% total area for redevelopment or whether it will be permissible to only count the area which is occupied by the eligible slum dwellers.

18. In so far as the communication addressed by the Additional Secretary to the State of Maharashtra dated 26th March, 2014 is concerned, in our considered view, the same would not bind Respondent No.1 Municipal Corporation. It will be relevant to refer to Section 62 of the Maharashtra Regional and Town Planning Act which reads as under:

“62. If at any time before a draft scheme is prepared and submitted to the State Government for sanction, the Planning Authority or the officer is of the opinion or on any representation made to it or him that an additional area be included within the said scheme, the Planning Authority or the officer may, after informing the State Government and giving notice in the Official Gazette, and also in one or more local newspapers, include such additional area in the scheme; and there-upon, all the provisions of sections 59, 60 and 61 shall apply in relation to such additional area as they apply to any original area of the scheme and the draft scheme shall be prepared for the original area and such additional area and submitted to the State Government for sanction.

19. A perusal of the aforesaid provision would clearly reveal that if there is any dispute with regard to the interpretation of any of the regulations, the matter would be referred to the State Government. It further provides that after considering the matter and if necessary

after giving hearing to the parties, the State Government shall give a decision on the interpretation of the provisions of the said Regulation. It further provides that the decision of the Government on the interpretation of this regulation shall be final and binding on the concerned party or parties. Though Dr. Sathe has strenuously urged before us, to accept a proposition that the interpretation given by the State Government would operate in rem and not in personem, we are unable to accept the said contention. The words used in the said provision are clear, that the interpretation would be final and binding on the concerned party or parties. The interpretation which is said to be relied upon by the learned counsel for the Petitioner is on the basis of interpretation sought by one Mr. Kashinath Parbate, who has no concern of whatsoever nature with the present case. In any case, the said provision itself provides for an opportunity of being heard to the concerned party. We are of the considered view that the interpretation given by the State Government in some other matter cannot be said to bind the Respondent Municipal Corporation. The provision itself provides for principles of natural justice. When an interpretation of a regulation has a bearing on the land which is owned by the Corporation, it cannot be said that principles of natural justice, would permit the interpretation given in some third case would also bind the Corporation, when the Corporation is entitled to an opportunity of being heard, which opportunity has been provided by the statute itself.

20. In that view of the matter, we find that the Petitioner has utterly failed to point out that, any representation was made to the Petitioner by the Respondent Municipal Corporation, which had the effect of permitting the Petitioner to undergo the redevelopment scheme under Regulations 33(7) and 33(10). The Petitioner had no vested right of developing the said scheme. The right would have accrued in favour of the Petitioner, only if there had been any concrete communication addressed by the competent authority of the Corporation thereby granting approval or atleast approval in principle to the proposal submitted by the Petitioner. Nothing of that sort has been placed on record. The only reliance that is being placed is on the letter of intent given by the SRA. As already stated herein above the Corporation had objected to the grant of letter of intent by the SRA and taken the matter before the appellate forum i.e. the High Power Committee which has already granted status quo in respect of those letters of intent. We are therefore of the considered view that if the Petitioner has no vested right to carry out development under Regulations 33(7) and 33(10), he would have absolutely no semblance of right to come in the way of implementation of the decision of the Corporation to undergo development under Regulation 33(9). We find that the Petitioner has absolutely no say in the said matter.

21. Apart from that, we find that while deciding to undertake the development under Regulation 33(9), the Commissioner of the Respondent Municipal Corporation has taken into consideration relevant factors and has given sound and cogent reasons in support of his decision. From the affidavit of the Corporation it would be clear that if the redevelopment is done under Regulation 33(9), the tenants will be entitled to carpet area of 300 sq. ft as against 269 sq. ft. if the redevelopment is done under Regulation 33(10). The reasons have also been given in support of the submission as to how the redevelopment if done under Regulation 33(9) would be more in the interest of the Corporation as well as public at large. We do not find that the decision taken by the Municipal Corporation of Greater Bombay can be said to be arbitrary, illegal or irrational. In that view of the matter, we do not find that the contention also can be said to be meritorious.

22. That leaves us with the alternative submission of Dr. Sathe, learned senior counsel appearing for the Petitioner based on the principle of promissory estoppel. No doubt that by now it is well settled that, the State and its authorities are also bound by the principle of promissory estoppel. When an authority like an individual makes a representation to someone and induces that someone to do something and alter his position to his disadvantage, then the

authority like an individual cannot be permitted to rescind from the said representation. As already submitted herein above the Petitioner has given details in paragraph Nos.111, 113 and 115 as to what he has done, in pursuance of the steps taken for redevelopment under Regulations 33(7) and 33(10). However, if someone without there being any representation made to him, decides to do something, then an authority on the basis of some illusion of a party, cannot be compelled to do something which it is not required to do in law. The Respondent Municipal Corporation is a statutory authority. The acts of the Respondent Municipal Corporation are governed by statutory provisions and the rules and regulations framed thereunder. If an authority is required to be made bound to do something on the basis of an assurance of the said authority, then there has to be some foundation on the basis of which inference regarding an assurance could be gathered. Except a vague contention and reliance on some office notings, which are also subject to the approval by the higher authority, nothing is placed on record, to show some semblance of representation made by the Corporation that it has accepted or at least accepted in principle the proposal submitted by the Petitioner for development under Regulations 33(7) and 33(10). In so far as the letters of intent issued by the SRA are concerned, it is the specific case of the Corporation, that the letters of intent are not issued in the legal manner and as such, the Corporation has already approached the

appellate forum i.e. the High Power Committee which has granted status quo to the letters of intent granted by the SRA. For the reasons best known to the Petitioner, SRA has not been impleaded as a party Respondent in the present Petition. Had the said SRA been party Respondent, it would have been in a position to throw atleast some light, as to in what situation it had granted the letters of intent. In any case, if the representation if any is made to the Petitioner, that is not by Respondent No.1 but at the most by the SRA. The Petitioner if so advised, may take such steps as legally permissible against the SRA. However, in so far as the present Respondent No.1 is concerned, we are unable to find even a semblance of what can be said to be representation to the Petitioner, which induced the Petitioner to act to their detriment. In that view of the matter, the contention with regard to the promissory estoppel is also without substance.

23. In that view of the matter, we find that there is no merit in the Petition. The Petition is devoid of substance and is liable to be rejected and as such is rejected.

24. At this stage, Dr. Sathe, learned senior counsel for the Petitioner requests for extension of the interim protection granted by this Court on 5th September, 2014.

25. The request is vehemently opposed by Mr. Reis, learned senior counsel appearing for the Corporation.

26. The Petition has been filed on 16th October, 2011. The Petition was thereafter pending for a considerable period. For the first time after almost a period of three years from the institution of the Petition, on 5th September, 2014 this Court has directed the Municipal Corporation not to take steps to develop the said property under Regulation 33(9). It is to be noted that though the Petition was listed time and again on earlier occasions, no such relief was granted by this Court.

27. Perusal of the order dated 8th November, 2013 passed by the Commissioner of Respondent No.1 Corporation would reveal that the buildings, which are occupied by tenants are not only in dilapidated condition but are in such a condition which are causing hazards to the residents thereof. Perusal of paragraph 9.2 of the said order would reveal that, on collapse of chajja in one of the buildings, a minor girl of four years has died and six other persons were injured. We find that on account of pendency of the present proceedings, the redevelopment work, which would not only benefit the Corporation but also the public at large including the tenants residing in the dilapidated buildings and the slum dwellers residing in inhuman

conditions has been forestalled, at the instance of a party who has no semblance of right. We find that further stalling the process, would not only cause unnecessary hardship to the occupants residing in the tenanted building, but also exposing to them to dangerous situation in as much as on earlier occasion, hazardous condition of the building has resulted in a casualty of minor girl of four years and injuries to various residents. In that view of the matter, the prayer is rejected.

(A.S. Gadkari, J.)

(B.R. Gavai, J.)