

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3792 OF 2014**

Mr. Hanumant Laxman Jadhav and others **..Petitioners**

Versus

**Competent Authority,
Slum Development, Pune Municipal Corporation
and others** **..Respondents**

Mr. K. P. Mali for the Petitioners.

Mr. Deepak R. More for the Respondent Nos.1 and 2.

Mr. G. S. Godbole i/by Mr. P M. Tilak for the Respondent No.3.

Mr. A. Y. Sakhare, Senior Advocate i/by Mr. Prashant Kulkarni for the Respondent No.6.

CORAM : R. M. SAVANT, J.

DATE : 30th NOVEMBER, 2016

PC.

1 The above Writ Petition is companion to Writ Petition No.5147 of 2014. The above Writ Petition takes exception to the order dated 18.02.2014 passed by the Learned President of the Maharashtra Slum Tribunal, Mumbai, by which order, the Appeal filed by the Petitioners being Appeal No.2 of 2014 came to be dismissed and thereby confirmed the slum clearance order dated 10.12.2013 passed under Section 3(D) read with Section 12(1) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (For short "the Slum Act"). The order passed under Section 3(D) read with Section 12(1) of the Slum Act is only consequential to the notification issued under Section 3(C)(1) of the Slum Act, declaring the land in question as a Slum Rehabilitation Area.

2 Once a notification is issued under Section 3(C)(1) of the Slum Act declaring the land covered by the said notice a Slum Rehabilitation Area, the logical corollary of the same is the issuance of a Slum Clearance Order under Section 3(D) read with Section 12(1) of the Slum Act. This is to facilitate the implementation of the slum rehabilitation scheme meant for the slum dwellers. The Slum Tribunal in the instant case has negated the contentions raised on behalf of the Petitioners and held that the pre-requisites for issuance of a Slum Clearance Order have been satisfied in the instant case.

3 By an order passed today, the order of the Maharashtra Slum Tribunal upholding the notification dated 08.08.2013 issued under Section 3(C)(1) of the Slum Act has been confirmed by this Court by dismissing the companion Writ Petition No.5147 of 2014 for the reasons mentioned in the said order. In view thereof, there is no merit in the above Petition, which to accordingly stand dismissed.

4 At this stage, the Learned Counsel for the Petitioners Mr. K. P. Mali applies for stay of the instant order. In the facts and circumstances of the case, the said prayer is rejected.

[R.M.SAVANT, J]