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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

PUBLIC INTEREST LITIGATION No. 99 OF 2016

K. A. Qureshi ...*Petitioner*
Vs.
The State of Maharashtra and Anr. ...*Respondents*

Mr. K.A. Qureshi, Petitioner in person present
Mr. V.B. Thadani -AGP for the State -Respondent No.1
Mr. Deepak R. More for Respondent No. 2
Mr. Jagdish G. Reddy for Proposed Intervenor

***CORAM : V. M. KANADE &
M.S. SONAK, JJ.***

DATE : AUGUST 9, 2016

P.C. :

1. By this PIL, which is filed under Article 226 of the Constitution of India, the Petitioner is seeking the following reliefs:

“A. This mandamus and/or a PIL/writ in the nature of mandamus and/or any other appropriate writ, order and/or direction and be pleased to call for the records and proceedings of the petitioner's case and upon ascertaining the legality and

propriety thereof be pleased to declaring illegal, void the impugned notification dated 19/11/2014 and Prashaskiya Manyata dated 12/7/2015 in the interest of justice and public at large.

B. This Hon'ble Court be pleased to issue a writ of certiorari and/or a writ in the nature of certiorari and/or any other appropriate writ, order and/or direction under Article 226 of the Constitution of India and be pleased to issue a writ of certiorari and/or a writ in the nature of certiorari and/or any other appropriate writ, order and/or direction and be pleased to call for the records and proceedings of the Petitioner's case and upon ascertaining the legality and propriety thereof be pleased to quash and set aside the impugned notification dated 19/11/2014 and Administrative Recognition dated 12/7/2015 respectively in the interest of justice.

C. That, the Hon'ble Court may please be declared that the scheme under SRA on subject property is illegal void and ultra virus.

D. Pending the petition, the Respondents including SRA, developer, building and owner may please be directed for stopping the construction under SRA scheme forthwith. And further may please be directed for preventing from creating any 3rd party interest.

E. The Respondents may please be directed the constructions done under SRA, TDR, and Extra FSI is to be demolished by declaring them illegal. The TDR and extra FSI is required to be cancelled/set aside by declaring illegal. The commencement certificate dated 10/9/2015 may also please be declared illegal.

F. By passing the order in public interest the entire construction under SRA, TDR, Extra FSI may please be declared illegal as obtained by commissioning of fraud upon the public and the Government.

G. There is also need to set aside the report dated 1/8/2014 and 14/8/2014 prepared and filed by zonal officer Pune Municipal Corporation

Ghole Road, Pune and according building plans are to be cancelled in the interest of the people, common public, enforcement of law, Govt. interest.

H. By appointment of the enquiry commission for converting the private land into SRA scheme illegally with the help and collusion of the SRA officials, the enquiry is to be held by appointing the enquiry commission respectively in order to nab the responsible persons and fixed liability and responsibilities for taking action against them.”

2. We are informed by Shri More, learned counsel appearing on behalf of Respondent No.2 that the property has been fully developed by the SRA after following the due process of law. He has shown us the photographs. He submits that all the slum dwellers will be rehabilitated within couple of months. He submits that the PIL has been filed belatedly and the intention of the Petitioner in filing this PIL is not bonafide.

3. In our view, no public interest is involved in this PIL. The persons aggrieved can always come to this Court and challenge

the order of declaration of SRA. The declaration of the land is slum land. We do not propose to entertain this PIL. Reserving the right of the aggrieved person(s) to challenge the decision taken by the SRA, the PIL is disposed of.

M.S. SONAK, J.

V.M. KANADE, J.

Vaishali Tikam