

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

WRIT PETITION NO. 10669 OF 2016

Mr. Jit Bahadur Rana & others	...	Petitioners
V/s.		
The State of Maharashtra & ors.	...	Respondents

Mr. S.A. Oak i/b. Mr. Sagar A. Joshi for the petitioner.

Ms. R.A. Salunkhe, AGP for the State.

Mr. Mukesh Vashi i/b. M.P. Vashi & associates for respondents 4 and 5.

**CORAM : NARESH H. PATIL AND
M.S. KARNIK, JJ.**

22nd December, 2016.

P.C.

Heard learned Counsel appearing for petitioner and Counsel appearing for respondents 4 and 5, SRA, State and Thane Municipal Corporation. The copy of consent terms is handed over to Counsel appearing for SRA, Thane Municipal Corporation and learned AGP. The consent terms is signed by 20 petitioners except petitioner no.3, according to learned Counsel appearing for petitioner.

2. Learned Counsel Mr. Vashi submits that it is a SRA development scheme. The respondent no.4. is a developer under the scheme

approved by SRA. The petitioner has raised an issue that Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 is not made applicable to the lands belonging to Thane Municipal Corporation areas. The learned Counsel placed reliance on a notification annexed at Exhibit E in support of the submission that aforesaid Act has been made applicable to the lands belonging to TMC areas.

3. Learned Counsel appearing for petitioner and the developer submits that there were 288 occupants of the subject slum area, out of which 267 persons had already vacated the subject area. 21 persons had filed this petition out of which 20 persons have now entered into consent terms and had agreed according to the terms of the 'consent terms' placed on record. The consent terms are taken on record, marked as 'X' for identification. Learned Counsel submits that they have identified the parties who signed the consent terms. Learned Counsel have put their signature on the consent terms. On instructions, the learned Counsel appearing for contesting parties submit that petition be disposed of.

4. Learned Counsel appearing for the petitioner submits that the petitioner no.3 has not agreed to be part of the consent terms. He would

resort to appropriate alternate remedies including the remedy to approach the appellate authority constituted under the SRA Act.

5. In view of the consent terms filed, the petition is disposed of, keeping open the rights of the petitioner no.3 to agitate the appropriate issues before the appellate forum.

6. We direct that Respondents 4 and 5 to maintain status-quo in respect of the subject structure occupied by petitioner no.3 for a period of two weeks from today.

(M.S. KARNIK, J.)

L.S. Panjwani, P.S.

(NARESH H. PATIL, J.)