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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELATE JURISDICTION
PUBLIC INTEREST LITIGATION ST.NO.35371 OF 2015

Rajesh Jawaharlal Gemnani ...Petitioner
vs.
Ulhasnagar Municipal Corporation
and others ...Respondents

Mr.N.R.Bubna for the Petitioner
Mr.N.V.Walawalkar, Senior Advocate i/b Mr.S.M.Kamble
for the respondent No.1
Ms M.P.Thakur, AGP for respondent No.2

CORAM : A.S.OKA, &
C.V.BHADANG, JJ.
DATE : FEBRUARY 11, 2016

P.C.:

1 Heard the learned counsel for the petitioner. PIL 209 of 2015 raising the issues which are raised in this PIL has been already disposed of by this Court by order dated 11th January 2016. The reasons recorded in the said order will apply even to this petition.

2 The submission of the learned counsel for the petitioner is that notwithstanding the fact that some persons whose structures have been demolished for road widening approached this Court and notwithstanding the fact that the Court protected them, the Ulhasnagar Municipal Corporation has started the demolition drive without following even a semblance of due process of law. He submits that in the resolution No.60 of 2015 passed by the General Body of the Municipal Corporation, there is

no outer limit for rehabilitating the affected persons.

3 The petitioner is a businessman. He has filed this PIL for inviting the attention of the Court to the alleged illegal action of the Municipal Corporation of demolishing 1000 or more structures for the purpose of road widening. It is not the case of the petitioner that the structures which were demolished by the Municipal Corporation were authorised structures which were constructed on the private properties after obtaining permission. It is not the case of the petitioner that some of the affected persons by a reason of poverty or otherwise are not in a position to approach the writ Court or any other Court of law. The grievance is that even the land below the structures is taken over after demolition of the structures.

4 The structures in the present case are multi storeyed structures by the side of a busy road. The demolition is for the purposes of road widening. The persons affected by the alleged illegal action of demolition are not prevented from approaching the Court of law. Moreover, by the resolution No.60 dated 11th December 2015, a policy for rehabilitating the persons affected by the demolition of structures has been framed by the Municipal Corporation. Therefore, this is not a fit case to entertain PIL. It is accordingly disposed of.