

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1896 OF 2013

D.Nandbhodi Mahaterao

Petitioner

versus

The State of Maharashtra and others

Respondents

Mr.Rajesh P. Khobragade for Petitioner.

Mr.M.P.Jadhav, AGP, for Respondent no.1 State.

CORAM : S.C.DHARMADHIKARI AND
G.S.PATEL, JJ.

DATE : 01 February 2016

PC :

1. After having heard both sides and finding that controversy in this petition stands covered and rather answered against the Petitioner by the judgment of the Hon'ble Supreme Court of India in the case of **Balasaheb Arjun Torbole and others Vs. Administrator and Divisional Commissioner and others**¹, this writ petition deserves to be dismissed.

2. There is no distinction as is sought to be made orally on facts. Even if a slum scheme is implemented taking into consideration or by inclusion therein a non slum area or plot, that would clearly mean an area on which or land on which structures are standing or whether it is vacant. Even if an open

¹ (2015)6-SCC-534

vacant land adjacent to a slum scheme sanctioned and authorized is included in the same, then, that inclusion is not vitiated by any provision of law or by non application of mind. We do not find any perversity, leave alone arbitrariness in the approach of the authority.

3. If there is a religious structure, then, that would be duly taken care of and protected in terms of the existing policies and law. Even on that score, we do not find any interference is required in our extraordinary, equitable and discretionary jurisdiction under Article 226 of the Constitution of India. The petition is devoid of merits and dismissed. No order as to costs.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)

MST