

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

PUBLIC INTEREST LITIGATION NO.66 OF 2015

...

Noor Mohammed Khatri	...	...Petitioner
v/s.		
Slum Rehabilitation Authority and ors.	...	...Respondents

Mr.Sachin Punde for the Petitioner.
 Mr.G.D.Utangale i/b Utangale & Co. for Respondent No.1.
 Mr.Milind More, Addl.G.P. for Respondents Nos.9,10 & 12-State.
 Ms.Trupti Puranik for BMC.
 Mr.A.R.Pande for Respondents Nos.2,3 & 5.
 Mr.R.P.Ojha for Respondent No.6.
 Mr.Altaf Khan for Respondent No.7.

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CORAM : A.S.OKA &
A.A. SAYED, JJ.
DATED : 4 JULY 2016

P.C.:

Heard the learned Counsel appearing for the Petitioners. The challenge in this PIL is to grant of approval to scheme of slum rehabilitation in accordance with the Regulation 33(10) of the Development Control Regulations of Mumbai. The challenge is based only on one contention. It is contended that there is a Dargah in the property under redevelopment and the same has not been included in Annexure-II.

2. Today, a copy of the order dated 28 April 2016 passed by the Deputy Collector, (Encroachment/Eviction), Competent Authority is placed on

record. It directs that the Dargah shall be included in Annexure-II. It is pointed out that the developer has preferred an Appeal against the said order, which is scheduled to come up tomorrow before the Additional Collector.

3. In view of the order of the Deputy Collector, the grievance in the Petition is taken care of and therefore, the same need not be entertained. While disposing of this Petition, we must make it clear that we have made no adjudication on the issue of the locus of the Petitioner to file the present PIL.

4. Subject to what is observed above, the PIL is disposed of. We, however, make it clear that nothing observed in this order shall affect the Appeal before the Additional Collector.

5. At this stage, the learned Counsel for the Petitioner on the basis of the order dated 2 April 2013 in Writ Petition No.67 of 2013 submits that the Petitioner may be impleaded as a party to the pending Appeal.

6. If, according to the Petitioner, on the basis of the aforesaid order dated 2 April 2013 he is entitled to be heard in the Appeal, it is open for him

to make appropriate application before the Appellate Authority by pointing out the order dated 2 April 2013. If such application is made, the Appellate Authority shall decide the same in accordance with law.

(A.A. SAYED, J.)

(A.S.OKA, J.)