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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO.58 OF 2015

Babu Kalappa Jagtap	...Petitioner
vs.	
The State of Maharashtra	
and others	...Respondents

Mr.S.Upadhyay i/b Mr.A.M.Saraogi for the Petitioner
Ms Geeta Shastri, Addl. G.P for the respondent No.1
Mr.V.D.Patil for the respondent no.2
Ms Trupti Puranik for the respondent No.3
Mr.Rakesh Singh i/b M.V.Kini & Co. for the
respondent No.4
Mr.Chirag Balsara i/b Diamondwala & Co. for the
respondent No.5

CORAM : A.S.OKA, &
C.V.BHADANG,JJ.
DATE : JANUARY 4, 2016

P.C.:

1 Heard the learned counsel for the petitioner, the learned counsel for the respondent No.4 and the learned counsel for the respondent No.5. Even the respondent Nos.2 and 3 are represented by their learned counsel. This PIL is filed on the basis of the apprehension that the respondent No.5 will be allowed to implement a Slum Rehabilitation Scheme on the land held by the Airport Authority of India. Clauses 2 and 3 of the order dated 29th October 2015 read thus:

“(2)The learned counsel appearing for the fourth Respondent states that the fourth

Respondent has not granted any No Objection Certificate to any one to implement a Slum Rehabilitation Scheme on the land subject matter of this Petition.

(3) We direct that unless there is a No Objection Certificate validly issued by the fourth Respondent, no steps shall be taken for implementation of a Slum Rehabilitation Scheme on the land subject matter of this petition. Reply, if any, to be filed on or before 11th December 2015."

2 There is an affidavit in reply filed by the respondent No.5. The said respondent is allegedly trying to implement a Slum Rehabilitation Scheme on the land held by the Airport Authority of India. In paragraph 31 of the affidavit in reply, it is stated thus:

"31 I say and submit that the abovementioned PIL came up for hearing on 29th October 2015 before the division bench of this Hon'ble Court when the Hon'ble Court after hearing the Counsel appearing for the respective Respondents and considering the statement made by Airport Authority of India, Respondent No.4 herein that they have not granted any No Objection Certificate to anyone to implement a slum Rehabilitation Scheme on the land subject matter of this petition directed that unless there is No Objection certificate validly issued by the

fourth Respondent, no steps shall be taken for the implementation of a Slum Rehabilitation on the said plot. It is respectfully submitted that apprehension of the petitioner that Slum Scheme will be sanctioned on the said plot without NOC from Respondent No.4, is cleared by the said order dated 29th October 2015 passed by this Hon'ble Court and the Public Interest Litigation can be disposed of in terms of the said order..."

3 Even in paragraph 26 of the affidavit in reply, there is a specific assurance given that nothing will be done by the respondent No.5 without obtaining permission/approval of both the Airport Authority of India and the Slum Rehabilitation Authority.

4 The learned counsel for the Airport Authority of India on instructions states that the Airport Authority of India has not granted any permission or consent to the respondent No.5 or any other party for implementation of Slum Rehabilitation Scheme on the land subject matter of this petition which is held by the said Authority. He further states that in fact the said land is required by the said Authority.

5 In view of categorical statements made in paragraphs 26 and 31 of the affidavit of the respondent No.5 and in view of the aforesaid statements made by the learned counsel for the

Airport Authority of India, it is not necessary to entertain this PIL. However, we make it clear that the issue of locus of the petitioner to file the present PIL is not examined by this Court and the objections raised by the respondent No.5 to the locus of the petitioner are expressly kept open.

6 By accepting the statements of the respondent No.5 in this affidavit and by accepting the aforesaid statements made by the learned counsel for the Airport Authority of India, we dispose of the petition. Needless to state that the Slum Rehabilitation Scheme/project cannot be implemented on the land held by the Airport Authority of India without express permission in writing of the Airport Authority of India.

(C.V.BHADANG,J.)

(A.S.OKA,J.)