

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

WRIT PETITION NO. 1933 OF 2016

S. D. Corporation Pvt. Ltd., ... Petitioners.

V/s.

The Chief Executive Officer,
Slum Rehabilitation Authority & Ors. ... Respondents.

Mr. G. S. Godbole, Sr. Counsel a/w. Mr. Yogendra Kanchan,
Advocate for the Petitioners.

Mr. Amar Mishra, AGP for the Respondent No.2.

Mr. J. G. Reddy a/w. Mr. Arvind Aswani, Advocate for
Respondent Nos. 1 & 3.

**CORAM : M. S. SANKLECHA AND
MRS.SWAPNA JOSHI,JJ.**

DATE : 20th OCTOBER, 2016

P.C. :

1 This petition under Article 226 of the Constitution of India seeks a direction to the Respondent No.2, the Dy. Collector (Encroachment and Removal) to discharge his statutory obligation and initiate action under Section 3E of the Maharashtra Slum Areas (Improvement and Clearance and Redevelopment) Act, 1971 (Act). The above direction is sought for in respect of Room No. 2, ground floor of Building B2B (subject premises) in the SRA Scheme at Tardeo, occupied illegally.

2 The Petitioner is implementing the SRA Scheme under Regulation 33(10) of the Development Control Regulations (DCR) at Tardeo, Mumbai. It is the Petitioner's case that one Mr. Bandu Vithoba Lade, an eligible hutment dweller was allotted a permanent accommodation in the subject premises. However, in March 2016, the Petitioners learnt that the subject premises had been sold by Mr. Bandu V. Lade to a third party. This was in breach of DCR.

3 Therefore, the Petitioner by representation dated 11th March, 2016 have sought action from Respondent No.2 in terms of Section 3E of the Act. However, to no avail. The Petitioner by its communication dated 15th June, 2016 addressed to the Respondent No. 2, demanded action in terms of Section 3E of the Act. However, the Respondent No. 2 has failed to respond to the said communications nor has it initiated any action for removal of the alleged illegal occupants from the subject premises.

4 Mr. Mishra, learned AGP appearing for the Respondent No.2, on instructions states that necessary action will be initiated against the alleged unauthorized / illegal occupants of the subject premises. However, on instructions it is stated that the process of removal of alleged illegal occupant

would commence within a period of three weeks from today. He also states that in case it is found that the alleged occupants are illegal occupants of the subject premises, the Respondent No. 2 would act expeditiously to evict them within a further period of two weeks in terms of the Act.

5 The Petition is disposed of in the above terms. No order as to costs.

(MRS.SWAPNA JOSHI,J.)

(M.S.SANKLECHA,J.)

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