

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

PUBLIC INTEREST LITIGATION NO.4 OF 2015

Help Association (NGO) & ors.

...Petitioners

v/s.

Government of Maharashtra & ors.

...Respondents

Mr.Digvijay R.Singh for the Petitioners.

Ms.P.H.Kantharia, GP for Respondent No.1-State.

Mr.V.R.Kapse i/b Ram & Co. for Respondent No.6.

Ms.Trupti Puranik for Respondent No.3-BMC.

Mr.J.G.Reddy for Respondent No.2.

...
CORAM : A.S.OKA &**A.A. SAYED, JJ.****DATED : 2 AUGUST 2016****P.C.:**

In this Petition filed on 28 August 2014, a grievance has been made as regards illegality associated with a slum rehabilitation scheme. The Petition itself discloses that on 19 June 1998, a commencement certificate was issued to the project by the Slum Rehabilitation Authority. The said commencement certificate is annexed at Exhibit "E". It appears from the averments made in the Petition that the amended lay out was approved by the Slum Rehabilitation Authority (for short "SRA") on 29 March 2005 (Exhibit G). The Petition and synopsis disclose that the Petitioners were aware of ongoing development on the property in question right from the year 2009-10. The Petitioners claim that thereafter they addressed several letters to SRA, but no action was taken. The Petitioners are relying upon

the letter dated 12 March 2014 addressed to them by the Chief Executive Officer of SRA, copy of which is at Exhibit "J". In the said letter at Exhibit "J", there is no specific reference to any earlier complaints or grievances made by the Petitioners. Therefore, going by the stand taken by the Petitioners, in the year 2009, they were aware about the alleged illegality associated with the project. However, they waited till 12 March 2014 to make a representation to SRA. Moreover, the petition has been filed at the end of August 2014.

2. The averments made in the petition show that there is already substantial development carried out on the property in question.

3. Only on the ground of gross delay that we decline to entertain this PIL. However, we make it clear that notwithstanding the disposal of the PIL, if the concerned developers have committed a breach of the terms and conditions of the Letter of Intent and other permissions, SRA is under a legal obligation to take action in accordance with law. Subject to what is observed above, the PIL is disposed of.

(A.A. SAYED, J.)

(A.S.OKA, J.)