

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8323 OF 2015

Rajesh Narendranath Singh ... Petitioner
Vs.
The State of Maharashtra and others ... Respondents

WITH

WRIT PETITION NO.8324 OF 2015

WITH

CIVIL APPLICATION NO.2414 of 2016 IN W.P.No.8324/15

Shahablal Rajaram Choubey ... Petitioner
Vs.
The State of Maharashtra and others ... Respondents

WITH

WRIT PETITION NO.8325 OF 2015

WITH

CIVIL APPLICATION NO.1774 of 2016 IN W.P.No.8325/15

Rajendraprasad Tedhai Yadav ... Petitioner
Vs.
The State of Maharashtra and others ... Respondents

WITH

WRIT PETITION NO.8326 OF 2015

WITH

CIVIL APPLICATION NO.1773 of 2016 IN W.P.No.8326/15

Harilal Bhikhu Mourya ... Petitioner
Vs.
The State of Maharashtra and others ... Respondents

Mr. Sagar Batavia i/b. Mr. Anand Giri for Petitioner in all the Petitions.
Mr. S. D. Rayrikar, AGP for Respondents No.1 and 2-State in all the Petitions.
Ms Shakuntala A. Mudbidri for Respondent No.3 in all the Petitions.

CORAM : R. G. KETKAR, J.

DATE : APRIL 18, 2017

P.C. :

Heard Mr. Batavia, learned Counsel for petitioner, Mr. Rayrikar,

learned AGP for respondents No.1 and 2-State and Ms Mudbidri, learned Counsel for respondent No.3 in all the Petitions at length.

2. These Petitions take exception to the orders dated 02.04.2014 passed by the learned President of the Maharashtra Slum Areas (I.C.&R.) Tribunal, Mumbai (for short 'Tribunal'). By these orders, the Tribunal dismissed the intervention applications made by the petitioners.

3. In support of this petition, Mr. Batavia has taken me through the applications made by the petitioners and in particular paragraph 6 thereof. In paragraph 6, it is asserted that petitioners' huts are situate on the plot of land bearing C.T.S.No.397, 397(1) situate at Village Mogra, Taluka Andheri MSD. Ms Mudbidri submitted that C.T.S.No.397 and 397(1) admeasure 51016.30 sq.mtrs. Out of that, area admeasuring 7200 sq.mtrs. approximately is declared as a slum area. Petitioners have not clarified as to whether their property situate in the area, which is declared as a slum area. The Tribunal has rejected the application on two grounds. Firstly, that Mrutyunjaya Co-operative Housing Society (proposed) had filed identical application, which was dismissed on merits and the said order had attained finality. Secondly, in paragraph 13, the Tribunal observed that the documents produced by the petitioner do not show prima facie that they reside at the property involved in the appeals.

4. After arguing the Petitions for quite some time, Mr. Batavia seeks permission to withdraw the Petitions as also intervention applications with liberty to file fresh applications giving requisite details indicating that petitioners are residents of the property involved in the appeals.

5. On the motion made by Mr. Batavia, intervention applications as

also present Petitions are allowed to be withdrawn with liberty as prayed for. Petitions are disposed of as such. Grant of liberty shall not be construed as an expression of merit either way.

6. In view of the disposal of these Petitions, nothing survives in Civil Applications No.2414 of 2016, 1773 of 2016 and 1774 of 2016 and the same are disposed of accordingly.

(R. G. KETKAR, J.)

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