

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION (ST) NO.12978 OF 2017
IN
WRIT PETITION 3961 OF 2017
And
CIVIL APPLICATION 1096 OF 2017 IN WP/3961/2017**

Lalji Vishwakarma and Ors

..Petitioners.

Vs

The State of Maharashtra and
Ors.

.. Respondents

Ms. Minal V. Chavan , Advocate for Petitioners.

Ms M.S.Bane, A.G.P. for Respondents no.1 to 3.

Mr. Madhur S. Surana, Advocate for Respondent no.4

Mr. Rishikesh Soni, i/b Ashok Purohit and Co., Advocates for
respondent no. 6.

CORAM : R.G.KETKAR,J.

DATE : 03/05/2017

PC:

1. Not on Board. At the request of Ms.Chavan, taken up in production board. Heard Ms.Minal Chavan, learned counsel for the petitioners, Ms. M.S.Bane, learned A.G.P for respondents no. 1 to 3, Mr. Madhukar Surana, learned counsel for respondent no. 4, Mr. Rishikesh Soni, learned counsel for respondents no. 6, at length.

2. This petition seeks review of order dated 21.4.2017 passed in Writ Petition No.3961 of 2017. Ms. Chavan submitted that in paragraph 5 of the order, following submission is recorded.

“In respect of remaining four petitioners, the proceedings are pending before the High Power Committee for determination

of their eligibility.”

She submitted that the proceedings for determination of eligibility of four petitioners is pending before the third respondent and not High Power Committee. Proceedings for determining whether respondent no.4 has obtained consent of 70% slum dwellers is pending before High Power Committee. In view thereof, above sentence shall stand substituted by the following sentence.

“In respect of remaining four petitioners, proceedings are pending before respondent no.3-Deputy Collector for determination of eligibility. Proceedings for determining whether represent no.4 has obtained consent of 70% slum dwellers is pending before High Power Committee.”

Paragraph 5 stands corrected accordingly.

3. Ms.Chavan further submitted that in paragraph 9, number of C.T.S mentioned as 808(part) instead of 828(part). Mr.Surana does not dispute this. In view thereof, No.808 (part) stands substituted by No.828 (part).

4. Ms. Chavan submitted that in paragraph 12, this Court observed that the petitioners' submission that respondent no.4 had played fraud upon authorities as also upon slum dwellers including the petitioners, was rejected by observing that the scope of proceedings under Sections 33/38 is very limited and contentions raised by the petitioners are not the grounds for

challenging the orders passed under sections 33/38 and 35 of the Act. She submitted that this finding will come in the way of the petitioners in prosecuting proceedings before High Power Committee. A perusal of paragraph 12 clearly shows that finding was recorded in the context of the orders passed in proceedings under sections 33 /38. In view thereof, no clarification is required.

5. Ms. Chavan finally submitted that in paragraph 13 this Court recorded the finding to the effect that respondent no.4 has obtained consent of 70% eligible slum dwellers. This finding will come in the way of the petitioners in prosecuting the proceedings before High Power Committee. In view thereof, it is clarified that H.P.C. will decide the proceedings uninfluenced by the observations made in paragraph 13 of the order. Review Petition stands disposed of accordingly.

6. In view thereof, Civil Application No.1096 of 2017 for clarification of the order dated 21.4.2017 does not survive and the same is also disposed of.

(R.G.KETKAR, J.)