

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

WRIT PETITION NO.12052 OF 2016

Hatkar Koshti Samaj

.. Petitioner

Vs

The State of Maharashtra & Ors.

.. Respondents

...

Mr. Dhairyasheel Sutar for the Petitioner.

Mr. P. P. More, AGP for the Respondent Nos. 1 & 2.

Mr. Akshay P. Shinde for the Respondent No.3.

CORAM : A. S. OKA &

SMT. VIBHA KANKANWADI, JJ.

DATE : 25/07/2017.

P.C. :

1] Admittedly, the land subject matter of this petition has been declared as a slum under Sub-section 1 of Section 4 of the Maharashtra Slum (Improvement, Clearance and Redevelopment) Act, 1971 and therefore, Writ of Mandamus cannot be issued against the 3rd Respondent directing the 3rd Respondent to remove encroachments on the land subject matter of this petition.

2] The prayer clause (b) proceeds on the assumption that Respondent No. 3 intends to implement a Slum Reservation Scheme and accommodate the slum dweller on the same property. There is no basis to indicate that the 3rd Respondent has undertaken implementation any such scheme. Hence, there is no merit in the petition and the same is accordingly rejected. We make it clear that we have made no adjudication on the issue whether the land subject matter of this petition is owned by the Municipal Authority.

(SMT. VIBHA KANKANWADI, J.)

(A. S. OKA, J.)