

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St. NO. 29326 OF 2016**

Janiv Nagrik Vikas Sangh & Ors

..Petitioners

Vs.

State of Maharashtra & Ors

..Respondents

Mr. D. C. Awari a/w Mr. S. S. Musale for the Petitioners

Mr. Vijay Killedar for the Respondent Nos.4 and 5

CORAM : R. M. SAVANT, J.

DATE : 24th MARCH, 2017

P.C.

1 In view of the clearance order dated 24-3-2015 passed by the Learned President of the Slum Tribunal under Section 3(D) of the Slum Act 1971, dismissing the Appeal No.26 of 2014 filed on behalf of the 73 Appellants, the Learned Counsel for the Petitioners states that pursuant to the dismissal of the Appeal, the structures of the Petitioners have been demolished and hence the clearance order has been implemented. Therefore in so far as the challenge to the order dated 24-3-2015 is concerned, the same has turned infructuous.

2 However by prayer clause (b) the Petitioners have sought a declaration that the Slum Rehabilitation Scheme made applicable to the subject property be declared as null and void. Hence by way of prayer clause (b) the Petitioners are seeking to challenge the notification declaring the property on which the Petitioners have their structures as the Slum Rehabilitation Area under Section 3(c) of the said Act. Hence in so far as the

said challenge is concerned, the Petitioner may raise the said challenge by filing a fresh Petition if so advised.

3 The Petitioners have sought various other reliefs by way of prayer clauses (c) to (g). In so far as said prayers are concerned, except prayer clause (e) the Petitioners may agitate the same before the appropriate forum. In so far as prayer clause (e) is concerned, the orders passed by the Respondent Nos.4 and 5 have been challenged before the High Power Committee established pursuant to the orders passed by the Division Bench of this Court. The High Power Committee may consider the Appeals filed by the Petitioners expeditiously and latest by 31-7-2017.

4 The Learned Counsel appearing for the SRA i.e. the Respondent Nos.4 and 5 Mr. Killedar states that the above Petition has been filed on behalf of the dead persons and some of the thumb impressions have not been identified. This Court has not gone into the said aspect considering the fact that the substantive relief sought in the above Petition has turned infructuous and that save and except the directions to be issued to the High Power Committee, no other relief can be granted to the Petitioners. Hence the said aspect is kept open for being urged at the appropriate time. With the aforesaid directions the Writ Petition is disposed of.

[R.M.SAVANT, J]