

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10971 OF 2011

Shivdas Sambhu Yadav,]
Aged about 50 years,]
Adult Indian inhabitant of]
Mumbai having address at]
Mithailal Yadav, Kurla Andheri]
Road, Opp. Star Chemical Co.,]
Andheri (E), Mumbai.]..Petitioner

Versus

1. Dy. Collector (Enc) and]
Competent Authority Andheri]
Grihnirman Bhavan, Gr. Floor,]
Bandra (E), Mumbai 400 051.]
2. Dinesh Bansraj Dube,]
Aged about ___years]
Adult Indian inhabitant of]
Mumbai having address at]
Mataprasad Chawl Room No.3,]
Krishna Nagar, Marol Naka,]
Andheri (E), Mumbai 400 059.]
3. Arun Mishra,]
Aged about ___years,]
Adult Indian Inhabitant of]
Mumbai having address at]
Krishna Nagar, Marol Naka,]
Andheri (E), Mumbai 400 059.]
4. The President]
Maharashtra Slum Areas]
(I.C. & R) Tribunal having]
Its office at Grin Nirman]
Bhavan, Gr. Floor, Bandra (E),]
Mumbai 400 051.]..Respondents

Mr. C. K. Tripathi for the Petitioner.

Mrs. V. S. Nimbalkar, AGP for the Respondent No.1.

CORAM : R. M. SAVANT, J.

DATE : 25th JANUARY, 2017

ORAL JUDGMENT

1 Rule, with the consent of the Learned Counsel for the parties heard forthwith.

2 The above Petition takes exception to the order dated 14.05.2007 passed by the Learned President of the Maharashtra Slum Tribunal, by which order, the Appeal filed by the Petitioner on the land which was declared as a slum came to be dismissed and resultantly, the declaration of slum in respect of property comprised in CTS No.823(pt), 823/1 to 169 of Village Marol Maroshi, Andheri (E), Mumbai-400 059 admeasuring 6654.6 sq.mtrs. came to be confirmed.

3 The Petitioner's father was one of the Appellants who had filed Appeal No.55 of 1986, which Appeal was heard alongwith the Appeals of the other chawl owners. The said Appeals were dismissed by the order dated 14.05.2007. The said order dated 14.05.2007 was a subject matter of various Petitions being Writ Petition No.1891 of 2008 and companion Petitions. The instant Petition was also one of the Petitions out of the said group. However, inadvertently the above Writ

Petition was not listed alongwith the said Writ Petition No.1891 of 2008 and companion Writ Petitions being Nos.3548 of 2008 and 3761 of 2008. The said Writ Petitions were allowed by a Learned Single Judge (M. S. Sonak, J) of this Court by judgment and order dated 10.02.2016. By allowing the said Writ Petitions, the orders impugned in the said Writ Petitions including the order dated 14.05.2007, which is a subject matter of the present Petition came to be set aside for the reasons mentioned in the said judgment.

4 In view of the facts as aforestated, the said judgment would equally apply to the instant Petition. The instant Petition is accordingly allowed and made absolute in terms of prayer clauses (a) and (b). Rule is accordingly made absolute in the aforesaid terms with parties to bear their respective costs.

[R.M.SAVANT, J]