

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L)NO. 238 OF 2017

Mr.Mukesh Singh

...Petitioner

Versus

Slum Rehabilitation Authority & Ors.

...Respondents

.....

Mr.M.M.Vashi, Senior Advocate a/w Ms.Prachi Khandge i/b. M.P.Vashi & Associates for the Petitioner.

Mr.Girish Utangale a/w Mr.Suyash Gadre i/b. Utangale & Co for Respondent No.1.

Mr.Chirag Balsara a/w Mr. Mahesh Mahale i/b. Ganesh & Co. for Respondent Nos. 2 to 4.

.....

CORAM : ANOOP V. MOHTA AND
A.M.BADAR, JJ.

DATE : 10 February 2017

ORDER:-

1. Heard learned counsel for the parties finally, at the admission stage.

2. The petitioner is one of the occupants-slum dwellers of survey nos. 90 and 91 situated at Ward-K/E, Mauje -Marol, Taluka-Andheri. This petition was filed by the petitioner on 27th January 2017 praying not to act upon the notice dated 30th December 2016 whereby respondent no.1-Slum Rehabilitation Authority pursuant to the Government Resolution Housing Development Department No.ZPP-1001/PK.125/14/ZPS-1 dated 16th May 2015 decided to have GIS survey and biometric survey of 71 plots

including the plot in question. This, in our view, cannot be stayed at the instance of one of the slum dwellers. The submission, referring to the pending suit filed by the petitioner, that also no reason to halt the survey actions. The decision should be taken in the interest of public at large at earliest. We are not deciding any issue. Whatever will be the decision, based upon the survey report and/or survey table, ultimately the concerned parties will take appropriate steps and/or action. We are not inclined to accept the submissions in view of contents of the impugned notice dated 30th December 2016 that such survey is not permissible on private land. The land is private or not even otherwise cannot be adjudicated in the present petition. The issue needs to be adjudicated somewhere else. The impugned notice based upon the Government housing policy has already been taken note of, and based upon which the impugned public notice is issued. Therefore, there is no case to grant any relief to the petitioner and the petition is disposed of accordingly. No costs.

(A.M.BADAR, J.)

(ANOOP V. MOHTA, J.)