

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION NO. 1408 OF 2016**

Suraj Bhagwan Pawar and Ors. ...Petitioners
VS.
State of Maharashtra and Ors. ...Respondents

Mr. Sujeet Kurup i/by M/s. Kurup Shivaji & Co. for the Petitioners.

Mr.Chirag Balsara i/by M/s. Diamondwala and Co. for respondent no. 4 in WP No. 1982 of 2016.

Mr. Jagdish G. Reddy a/w Mr. Arvind Aswani for respondent no. 2 in WP No. 1408 of 2016.

Mr.U.S. Upadhyay, AGP for respondent No.1 State.

**CORAM : SHANTANU KEMKAR &
SMT ANUJA PRABHUDESSAI, JJ.
SEPT 20, 2017**

P.C.:

Challenging the order dated 10.3.2016 Exh. "I" passed by the High Power Committee in Appeal No. 22 of 2012, the petitioners have filed this writ petition. We find that in the said order, there were as many as six respondents. However, in this petition, none of them have been made party and only State Govt and the Committee which has passed the order has been made party. Thus it is clear that none of the parties who were respondents before the High Power Committee have been made party in this petition.

2. It appears that the petitioner has filed the aforesaid appeal

claiming relief as recorded in the impugned order which read thus :

“(a) Hon'ble Committee be pleased to pass an order and revoke/cancel amended LOI, dated 25th May, 2009 issued for clubbing of Slum Rehabilitation Scheme situated on final plot bearing 616 (Pt) of TPS VI, Mahim Division “G” North Ward, Elphinstone Road, Off Babasaheb Ambedkar Nagar CHS Ltd. With S.R. Scheme situated on plot bearing No. CS No. 6 (pt), 8/6 (Pt), 224(Pt) of Sion Division “F” North Ward, Eastern Express Highway of Om Sai CHS Ltd.

(b) Hon'ble High Power Committee be pleased to order and direct Respondent no. 1 CEO/SRA that amenities/open spaces, recreation grounds etc. be provided as per approved plan, dated 19th December, 2008.

(c) Hon'ble High Power Committee direct Respondent no. 1 to 3 to revoke/cancel Occupation Certificate, dated 11th June 2012 and 16th October, 2012 in respect of two sale buildings as well as to demolish over bridge constructed for sale buildings so as to enable Fire brigade to pass through and reached rehab building off Babasaheb Ambedkar Nagar CHS Ltd.

(d) Hon'ble Committee be pleased to pass any such other and further order as deemed fit and proper in the facts and circumstances of the present case.”

3. Undisputedly the scheme has been implemented and as a result of which the one of petitioners has taken possession of the tenement I.e. flat no. 606 situated at 6th floor, C Wing, Rehab Building No. 2 as is clear from the order dated 18/09/2017 passed in WP No. 1982 of 2016.

4. According to learned counsel appearing for respondent no. 2 the High Power Committee, Petitioner no.1 has been allotted another tenement in the same scheme.

5. In the circumstances, taking a note of the fact that the

society has not challenged the scheme, we are of the view that at the instance of the present individual petitioners this petition is not maintainable more particularly when the respondents are not being made party and the fact that petitioners have availed of the benefits of the scheme by getting the tenements.

6. At this stage a prayer for leave to amend the petition so as to implead the respondents to the appeal as party respondents in this petition. The prayer is rejected.

4. Writ petition is accordingly dismissed.

(SMT ANUJA PRABHUDESSAI, J.)(SHANTANU S. KEMKAR, J.)