

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1369 OF 2016**

**Munnalal Shambhudayal Bhardwaj and Anr
Vs.**

..Petitioners

The State of Maharashtra & Ors

..Respondents

**WITH
WRIT PETITION (I) NO.1598 OF 2017**

**Mohd Kamil Mohd Kalam Shaikh & Ors
Vs.**

..Petitioners

The State of Maharashtra & Ors

..Respondents

**Mr. Sagar Mohite i/b Mr. N. S. Satpute for the Petitioners
MR. L. T. Satelkar AGP for the Respondent Nos.1, 3 and 5
Ms K.H. Mastakar for the Respondent BMC**

**CORAM :R. M. SAVANT, &
SMT. SADHANA S JADHAV, JJ
DATE : 28th JUNE, 2017**

P.C.

1 The Petitioners in the above Writ Petitions aggrieved by the notice dated 29-5-2017 issued by the Deputy Collector, Encroachment / Removal, Dharavi Division, have approached this Court seeking stay to the said notice and for a direction that the Respondent Nos.2, 3 and 4 be directed to provide permanent alternate accommodation to the Petitioners in the event of demolition of their hutments. By the said notice, the Petitioners were informed that they have unauthorisedly put up structures on the banks of the Mithi river. The Petitioners were therefore called upon to show cause with documents dating prior to 1-1-2000 within 24 hrs. The annexures to the

above Petitions indicate that similar notices were issued on 31-8-2010 and also on 1-6-2016. The Petitioners it seems have not shown cause to the said show cause notices. To Writ Petition (L) No.1598 of 2017 is annexed an affidavit of one Naziya Shamshad Memon, which affidavit discloses that a Census Receipt No.193465 dated 28-7-2000 came to be issued to the said affiant, hence the document is also beyond the cut of date of 1-1-2000.

2 The Petitioners inspite of opportunity have not shown cause and have rushed to this Court seeking the reliefs which have been adverted to hereinabove. Prima facie the documents do not disclose that the Petitioners structures were in existence on 1-1-2000 which is the cut of date. In so far as the Mithi river is concerned, orders have been passed in PIL's for removal of encroachment from the banks of the Mithi river as it was found that the encroachment on the banks of the Mithi river was one of the causes for the flooding of Mumbai, which took place in July 2005. In our view therefore, no relief can be granted to the Petitioners in the above Petitions. The Writ Petitions are accordingly dismissed.

[SMT SADHANA JADHAV, J]

[R.M.SAVANT, J]