

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2020 OF 2016

Borbadevi S.R.A. Cooperative
Housing Society Ltd. & ors.

..Petitioners.

Vs.

The State of Maharashtra & ors.

..Respondents

Mr. Susmit S. Phatale, for the Petitioner.

Mr. G.D. Utangale a/w. Mr. Suyash Gadre i/b. Utangale & Co., for the
Respondent Nos. 4 and 5.

Mr. Abhay Patki, Addl. G.P. the Respondent Nos. 1 to 3, 6.

Mr. Pradeep Havnur, for the Respondent No. 9.

Ms. Prerna Lalchandani, for the Developer.

Mr. S.R. Shinde, for C.B.I.

Mr. Mohan Tekavde, Ms. Anjali Mishra, Ms. Amruta Kundap i/b. Mr.
Bhupendra Marathe, for the Respondent.

WITH
PUBLIC INTEREST LITIGATION NO.120 OF 2014

Kamal Jagdish Singh.

..Petitioner.

Vs.

State of Maharashtra & ors.

..Respondents.

Mr. Pradeep Havnur, for the Petitioner.

Ms. Geeta Shastri, Addl. G.P. for the Respondent Nos. 1,2 and 3.

Mr. Mohan Tekavde a/w. Ms. Anjali Mishra a/w. Ms. Amruta Kundap, for
the Respondent No. 8.

Mr. Milind Gaware i/b. Mr. D.A. Nalavade, for the Respondent No. 4.

Mr. Susmit S. Phatale, for the Respondent No. 7

Ms. Prerna Lalchandani, for the Respondent No. 6 Developer.

**Mr. Mohan Tekavde a/w. Ms. Anjali Mishra a/w. Ms. Amruta Kundap i/b.
Mr. Bhupendra Marathe, for the Respondent No. 8.**

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

P.C.

1 The sum and substance of the relief sought in the above Writ Petition is that the Respondents be directed to implement the Slum Rehabilitation Scheme on the Plot bearing C.T.S. Nos. 680, 680/1 to 3, 681, 681/1 and to 3, 682, 683, 684, 685, 686, 686/1, 687, 687/1, 689, 690, 691, 692, 693, 694, 694/1 to 26, 700(Pt.) of Village Borla, Chembur (East), Mumbai. The orders passed by the Authorities have also been challenged in the above Petition. It is an undisputed position that the land on which there are structures of the slum dwellers belong to the Children's Aid Society.

2 The State Government has filed an affidavit in PIL No. 120 of 2014, which is companion to the above Writ Petition and the said affidavit has been adopted by the State in this Petition to deal with the main prayer of implementation of the Slum Rehabilitation Scheme is concerned. In paragraph-8 of the said affidavit, it has been stated that the State has decided not to support the Slum Rehabilitation Scheme on the land belonging to the

Children's Aid Society. It is further stated that the genuine rights of legal slum dwellers would however be addressed as per the law by the State Government.

3 However, prior to the said paragraph, it has been stated in paragraph-3 that the State Government will develop the existing land and structure of the Children's Aid Society by preparing master plan through the Mumbai Metropolitan Region Development Authority (M.M.R.D.A.) which has expertise in that regard. However, in paragraph numbered as Paragraph No. 5, it has been stated that the meeting was convened on 6/6/2017 of the M.M.R.D.A., Slum Rehabilitation Authority (SRA) and Bombay Municipal Corporation as also the Members of the Children's Aid Society for the purpose of discussing as to how the land of the Children's Aid Society can be put to better use of children and also as regards preparation of the master plan. Hence, upshot of the said affidavit is that the State is not desirous of supporting the implementation of any Slum Rehabilitation Scheme on the land in question and that the State has taken the decision to utilise the same for the purpose of the Children's Aid Society for the betterment of the children.

4 In the light of the said stand taken by the State Government and especially having regard to the fact that the Children's Aid Society functions under aegis of the State Government, the relief sought by the Petitioner in the above Petition cannot be granted. The Writ Petition is accordingly dismissed.

5 In view of the order passed in the above Writ Petition, the cause for filing PIL No. 120 of 2014 does not survive. The PIL to stand disposed of accordingly. However, we make it clear that the Petitioner in PIL No. 120 of 2014 would have liberty to renew the claim made in the above PIL in the event, occasion so arises in future.

[SMT.SADHANA S. JADHAV,J]

[R.M.SAVANT, J]