

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 107 OF 2016

Babu Kalappa Jagtap	}	Petitioner
versus		
The State of Maharashtra	}	
and Ors.	}	Respondents

Mr. Sushil Upadhyay i/b. Mr. A. M. Saraogi for the petitioner.

Mr. Abhay Patki-Addl. Govt. Pleader for State.

Ms. Kavita Anchan i/b. M/s. M. V. Kini and Co. for respondent no. 4.

Mr. Chirag Balsara i/b. M/s. Diamondwala and Co. for respondent no. 5.

Mr. P. K. Dhakephalkar-Senior Advocate with Mr. Rahul Sinha i/b. M/s. DSK Legal for respondent no. 2.

**CORAM :- DR. MANJULA CHELLUR, C.J. &
N.M.JAMDAR, J.**

DATE :- JULY 13, 2017

P.C. :-

1. On the earlier occasion also the Airport Authority of India has made its stand clear saying that they have sought door to door biometric survey in order to know the number of dwellers on the plot in question. They have also stated in unequivocal terms that they have not given consent for any development on the said land.

2. Apparently, no construction of any nature is commenced on the said land. According to the Slum Rehabilitation Authority, there is no proposal of any Slum Rehabilitation Scheme as on today pending with the authority proposing development on the land in question. In that view of the matter, the petitioner has approached this court on account of some private party-developer entering into some agreement with the association of slum dwellers. In the absence of any permission or approval for the scheme, we fail to understand, even if there is an agreement of development, without the consent of the Airport Authority of India and the Slum Rehabilitation Authority, how it could be referred to as a legal document. If such construction happens, the owner of the land as well as the Slum Rehabilitation Authority can always intervene and stop it. Even the petitioner can approach this court. All apprehensions expressed in the writ petition are based on ifs and buts as on today. We are of the opinion that the writ petition is premature and, accordingly, it is disposed of by reserving liberty to the petitioner to approach this court in the light of the above observations.

(N. M. JAMDAR, J.)

(CHIEF JUSTICE)