

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 828 OF 2016**

Veer Jeejamata Rahiwasi Seva Sangh (Mankhurd)

..Petitioners

Vs.

State of Maharashtra and 5 Others

..Respondents

Mr. S. S. Lanke Advocate for the Petitioners

Mr. Amit Shastri AGP for Respondent no. 1 State

**Mr. Pravin Gole, i/b Meena Kshirsagar & Associate
for Respondent no. 6**

Ms. K. H. Mastakar Advocate for Respondent BMC

**Mr. Ranjit Ramesh i/b The Law Point Advocate
for Respondent no. 2.**

Mr. R. L. Singh i/b M. V. Kini & Co. for Respondent no. 5

**CORAM : R. M. SAVANT, J &
SMT. SADHANA S. JADHAV, J.**

DATE : 14th JUNE, 2017

P.C.

1 The Petitioner claims to be a society of slum dwellers registered under the Registration Act, 1860. By the above petition, the Petitioner Society seeks to espouse the cause of about 582 occupants of the transit camp. The relief sought in the above petition is that Respondents i.e. Mumbai Metropolitan Regional Development Authority (MMRDA for short), Municipal Corporation of Greater Mumbai (MCGM for short), Reliance Infrastructure and the Bombay Electric Supply and Transport undertaking (BEST for short) be directed to provide to the members of the Petitioner water connection and electricity. Petitioners are occupying transit camp accommodation at Plot No. 138A/B, Mankhurd Ghatkopar Link Road, RSDF Sankalp Vasahat, Mankhurd Mumbai 400 043 and also at Kokari Agar Wadala, Mumbai 400 037.

2 In response to the above petition, the MMRDA which is implementing Urban Infrastructure Projects in the city of Mumbai, has filed the affidavit of one Bhanudas Mohile working as Deputy Community Development Officer. In the said affidavit, it has been denied that Petitioners are project affected persons. The background to the construction of the transit camp has been stated. It is stated that the transit camp had to be constructed so as to accommodate the slum dwellers who were within the safety zone of the Central, Western and Harbour Railway Lines. It is stated that transit camp was constructed of 3400 tenements of Wadala and 2500 tenements at Mankhurd. It is further stated that the persons who were occupying the transit camp have already been rehabilitated by allotment of permanent alternate accommodation. In so far as the occupants whom the Petitioner society seeks to represent, it is stated that there are 592 occupants and that they have illegally trespassed and encroached upon the transit camp accommodation after the persons who were occupying them were permanently rehabilitated. Hence, the said affidavit of the MMRDA makes it clear that 592 persons whom the Petitioner society seeks to represent are not project affected persons but have trespassed and encroached upon the transit camp accommodation which was constructed for temporarily accommodating project affected persons. In the said context, the letter dated 19/08/2016 addressed by the Metropolitan Commissioner Shri. U.P.S. Madan to Shri. Ajoy Mehta, Municipal Commissioner, MCGM is also required to be seen.

3 It has been stated in the said letter by the Metropolitan Commissioner that transit camp located at Kokari Agar, Sion Koliwada is occupied by encroachers but needs to be evicted by following the due process. It has been further stated in the letter that though attempts have been made to evict the said encroachers, the said attempt has failed on account of the likelihood of a law and order problem. It is further stated in the said letter that MMRDA has no objection if water connection or electricity connection is granted to the occupants, however, MMRDA cannot be asked to pay bills and that the payment would be responsibility of the occupants. The MCGM was therefore, requested to take a decision as regards providing water connection or electricity connection as the case may be.

4 The aforesaid material therefore, indicates that the said 592 occupants would have no right in respect of transit accommodation and that water and electricity can be provided to them only on humane considerations. The same would obviously have to be without prejudice to the right of the Authorities to evict them from the premises into which they have trespassed and encroached.

5 The learned counsel for the Petitioner Mr. S. S. Lanke states that some of the 592 have already applied to Reliance Infrastructure and BEST for electricity and MCGM for water supply. If that be so, Reliance Infrastructure,

BEST and MCGM would consider the applications for grant of electricity and water supply, if the applications are otherwise meeting the requirement for being granted such electricity supply and water connection. It would also be open for the occupants who have not applied to make such applications to the Reliance Infrastructure, BEST and MCGM for electricity and water connection. The same to be done within 4 weeks from date. After the said applications are made by the occupants, the same would also be considered in the same manner as stated in the earlier part of this order. The said applications would be considered expeditiously. However, it is made clear that the grant of electricity connection and water connection shall not create any right in favour of the occupants in respect of premises in their occupation. It is further made clear that the Authorities would be free to adopt such measures as are required to evict the occupants from the premises which are in their occupation. This order would not be construed as any impediment for the Authorities to take such action.

6 With the aforesaid directions, the above Writ Petition is disposed of.

[SMT. SADHANA S. JADHAV, J.]

[R.M.SAVANT, J]