

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

WRIT PETITION NO.313 OF 2017

Smt. Jassi Chandra Krushal and ors. : Petitioners.
Versus
State of Maharashtra and ors. : Respondents.

Mr. Subhash Jha i/by Law Global for the Petitioners.
Mr. H S Venegaonkar, Addl. GP for the Respondent Nos.1 and 2/State.
Mr. Abhay L Patki for the Respondent Nos.3 and 4.

**CORAM : R. M. SAVANT &
M. S. KARNIK, JJ.**
DATE : 28th SEPTEMBER 2018

P.C.

1 The above Writ Petition has been filed for the following multifarious reliefs. By prayer clause (a) the Petitioners seek a direction that the Respondent No.2 to have the CTS No.1503, Agrawal Nagar, Chimmat Pada, Marol Naka, Andheri (East), Mumbai demarcated and after carrying out demarcation, the same be directed to be fenced properly. By prayer clause (b) the Petitioners seek a direction that the Respondent No.2 be forthwith directed to initiate legal proceedings against the Respondent Nos.3 and 4 under Section 23A of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 read with Section 384 and 34 of the Indian Penal Code for recovering rent from slum dwellers of CTS No.1503, Agrawal Nagar, Chimmat Pada, Andheri (E). By prayer clause (c) the Petitioners seek a direction that the Respondent No.2 be forthwith directed to initiate proceedings against the Respondent Nos.3 and 4 under Maharashtra

Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug Offenders, Dangerous Persons and Video Pirates, Act, 1981 and ensure their preventive detention under the said Act. By prayer clause (d) the Petitioners seek a direction that a complaint be filed with the Bar Council of Maharashtra and Goa as against the Respondent No.4 for indulging in nefarious activities as more particularly set out in the above Petition which constitutes professional misconduct punishable under Section 35 of the Advocates Act, 1961. By prayer clause (e) the Petitioners seek a relief that the record and proceedings concerning the legal proceeding in the nature of RAE and LE Suits filed by the Respondent Nos.3 and 4 against the slum dwellers and after examining the legality, validity and/or propriety of the same and since they have been filed in gross violation of the manage contained under Section 22 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 be pleased to quash and set aside the same.

2 The said reliefs are founded on the fact that the land in question has been declared as slum in respect of which case the Petitioners seek to place reliance on various documents, which documents according to the Petitioners indicate that the land in question continuous to be declared as a slum.

3 Per contra it appears to be the case of the contesting Respondent Nos.3 and 4 that the land in question or area is no more a slum and therefore

the Respondent Nos.3 and 4 are entitled to proceed against the slum dwellers.

4 Be that as it may, having regard to the nature of the reliefs sought which we have in brief reproduced herein above, it is not possible for this Court in its writ jurisdiction to grant the reliefs which have been sought by the Petitioners by way of the above Writ Petition filed on the Civil Side of this Court. It would be open for the Petitioners to approach the appropriate authority/authorities for the said reliefs sought,. We express no opinion in that regard. However, we do not deem this a fit case to exercise our writ jurisdiction. The above Writ Petition is accordingly disposed of. Needless to state that if such representations are already made or if not made, and are now made, the decision thereon should be taken expeditiously.

[M.S.KARNIK, J]

[R.M.SAVANT, J]

Laxmikant
Gopal
Chandan

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