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

WRIT PETITION (L) NO.2235 OF 2018

Shashikant Savlaram Shedwailkar ... Petitioner.  
V/s.  
Mumbai Municipal Corporation and Ors. ... Respondents.

WITH  
WRIT PETITION (ST) NO.2237 OF 2018  
WITH  
WRIT PETITION (ST) NO.2238 OF 2018  
WITH  
WRIT PETITION (ST) NO.2241 OF 2018  
WITH  
WRIT PETITION (ST) NO.2243 OF 2018  
WITH  
WRIT PETITION (ST) NO.2267 OF 2018

Mr. Amogh Karandikar for the Petitioners in all matters.  
Ms. Vandana Mahadik for the Respondent Nos.1 and 2 in all matters.  
Ms. Jyoti Chavan, AGP for the Respondent No.3 – State in all matters.  
Ms. Sharad Wakchoure i/b. Kishor Thakordas & Co. for the Respondent No.4 in all matters.

CORAM : A.S.OKA AND RIYAZ I. CHAGLA, JJ.

DATE : 30<sup>th</sup> July 2018.

P.C.:

1 Heard the learned counsel appearing for the petitioners, the learned counsel appearing for the first and second respondents and the learned AGP for the third respondent. Amendment is not yet carried out in terms of the order dated 10<sup>th</sup> July 2018.

2           The petitioners in these petitions are claiming to be the tenants/ occupants of the premises in B.I.T. Chawl which is the subject matter of these petitions. Our attention is invited to the averments made in the petition and to the representation dated 2<sup>nd</sup> May 2018 (which was delivered to the first and second respondent on 16<sup>th</sup> May 2018). In the said representation made by the petitioners through their advocate, they have relied upon several documents. It is pointed out that the first and second respondents in the year 2015-2016 sanctioned redevelopment of B.I.T. Chawl Nos.1 to 6 under Regulation 33(7) of the Development Control Regulations of 1991 (for short “DCR”). It is stated in the said representation dated 2<sup>nd</sup> May 2018 that initially M/s. Vishal Construction Pvt. Ltd. were the developers appointed. Subsequently, the fourth respondent were appointed to redevelop the property under Regulation 33(7) of the DCR. On the earlier date, the learned counsel appearing for the fourth respondent pointed out that the fourth respondent are not the developers and in fact, Valencia and Mishal Ventures Pvt. Ltd. is the developer. The contention raised in the said representation is that the provisions of the guidelines framed by the first respondent for dealing with the development under Regulation 33(7) of the DCR are not being implemented by the developer. Various grievances have been made against the developer such as non-payment of rent, etc. Various directions have been sought from the Municipal Corporation to the developer and in particular, paragraph 12 thereof. Considering the fact that several factual aspects have been narrated in the said representation, it will be appropriate if the concerned officer of the Mumbai Municipal Corporation

hears the petitioners and the Valencia and Mishal Ventures Pvt. Ltd (for short “the said developer”) on the aspects set out in the representation and on the issue of compliance with the guidelines framed by the first respondent. Obviously, if it is found by the Municipal officer that the developer has not complied with either the guidelines or terms and conditions on which the redevelopment has been permitted, the Municipal Corporation will have to take action in accordance with law. Therefore, at this stage, it is not necessary to consider the other two prayers made in the petition. If the grievances of the petitioners are not redressed by the Municipal Corporation, they can always file fresh petitions in this Court.

3                      Accordingly, we pass the following order :-

ORDER

- (i) We direct the petitioners or the representatives to personally remain present before the first respondent on 10<sup>th</sup> August 2018 at 11.00 am. The first respondent is competent to take a decision on the representation dated 2<sup>nd</sup> May 2018, he shall fix a date for hearing the petitioners as well as the said developer. If the first respondent finds that some other officer is empowered to take a decision on the representation, he shall forward the representation to the said officer for hearing and disposal;
- (ii) The first respondent or the officer competent to consider the representations made by the petitioners shall after giving opportunity of being heard to the petitioners as

well as the said developer will pass appropriate order on the said representation in the light of the observations made in this order. Appropriate order shall be passed by the concerned officer on or before 31<sup>st</sup> August 2018 which shall be served to the petitioners and the said developer immediately thereafter;

- (iii) If the grievances of the petitioners are not redressed, it will be always open for the petitioners to file a fresh petition;
- (iv) All contentions of parties are kept open which shall be dealt with by the appropriate officer of the Mumbai Municipal Corporation.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)