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

PUBLIC INTEREST LITIGATION NO. 85 OF 2017

Mr. Prakash P. Kukreja

... Petitioner

V/s.

Ulhasnagar Municipal Corporation
& Ors.

... Respondents.

***With
WRIT PETITION NO. 9509 OF 2015***

Mr. Haresh Mohandas Lalwani and Ors.

... Petitioner

V/s.

Ulhasnagar Municipal Corporation
through Commissioner & Ors.

... Respondents.

Mr. Prakash P. Kukreja, Petitioner-in-person.

Mr. S.M. Kamble for Respondents 1 and 2.

Mr. P.P. Kakade, AGP for Respondents 3 and 5 in PIL 85/17 and for
Respondent 3 in WP 9509/15.

Mr. D.J. Deshmukh for Respondents 6 to 8 in PIL 85.17 and for the
Petitioner in WP 9509/15.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.***

DATE : 30 APRIL 2019.

P.C. :-

Heard the Petitioner who appears in-person. Perused the record.

2. The Petitioner, who was working as a Law Officer of the Ulhasnagar Municipal Corporation, post retirement, has filed the instant Petition in public interest stating that Respondent Nos.6 to 8 are illegally claiming to be the owners of the properties referred to in paragraph 3 of the Petition. It is pleaded that on the strength of said title documents, with reference to a development plan the said Respondents issued a notice under Section 127 of the Maharashtra Regional Town Planning Act for the reason the subject lands were reserved for a school in the sanctioned development plan of the year 1974. It is pleaded that on account of the claim of said Respondents that pursuant to the purchase notice the lands were not acquired, the same became free from the land user as per the development plan, the Petition was filed. Recognizing that the said Respondents had filed a Writ Petition in this Court praying that on account of the purchase notice issued and lands not being acquired, it be declared that the lands are released from reservation, the Petitioner seeks tagging of the instant Petition with the Writ Petition filed by Respondent Nos. 6 to 8.

3. We have perused the pleadings of the private Respondents in Writ Petition No. 9509 of 2015. As per them they claim that at the time of partition, their forefathers migrated from the territories now comprising Pakistan and settled in Ulhasnagar. They rely upon the provisions of the Displaced Persons (Compensation and Rehabilitation) Act, 1950 and claim that as refugees their ancestors settled on the subject lands. They claim that the managing officer under the Displaced Persons (Compensation and Rehabilitation) Act, 1954 executed sale certificates in the favour of their ancestors. Pleading titled on said account the further claim is that after the period envisaged by law pursuant to the purchase notices expiring, they were entitled to use the subject lands free from the land used prescribed in the master plan which was prepared in the year 1974.

4. The claim of said Respondent would be decided in the Writ Petition filed by them and we see no reason to entertain instant Public Interest Litigation questioning the title of Respondent Nos.6 to 8. Needless to state if the claim of Respondent Nos. 6 to 8 is found to be based on false documents, action against them would be taken as recognized by law.

5. The Public Interest Litigation filed by the Petitioner is dismissed.

6. We find the Writ Petition to be motivated and thus forfeit the cost deposited by the Petitioner. The amount shall be credited to the account of the State Legal Services Committee.

N.M. JAMDAR, J.

CHIEF JUSTICE