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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 131 OF 2018

Mr. Laxman Pant

..Petitioner

Vs.

State of Maharashtra and anr.

..Respondents

Ms. Sadhna Kumar for petitioner.

Ms. Nisha Mehra, AGP for respondent no.1 – State.

CORAM: PRADEEP NANDRAJOG, CJ. &
N. M. JAMDAR, J.

APRIL 16, 2019.

P.C.

1. Filed in public interest, prayer made is to direct reconstruction of the structures which were demolished and possession be restored to the respective occupants.

2. It is pleaded in the Public Interest Petition that at a place called “Ambernath” 200 people got affected when a tender

was issued for road widening to expand the width of the road from 40 feet to 50 feet. It is pleaded that the structures are in a slum area and were unauthorized structures. It is pleaded that the demolition is to accord benefit to builder, named, "Matoshree Nagar Shelters Ltd." It is pleaded that two lacks rupees was sanctioned to construct a public toilet in WIMCO Naka but the builder is not in favour of constructing any toilet. It is pleaded that the persons affected by a development scheme in a slum area are entitled initially to a transit accommodation and then to be permanently rehabilitated.

3. Names of the 200 persons affected have not been disclosed. If there exist a policy of rehabilitation the individuals affected can espouse their individual cause and collectively can espouse their cause through a public spirited person but the public spirited person has to do the necessary spade work. Names of the persons affected and documents in support of the claim have to be gathered and application needs to be filed before the Competent Authority who is charged with the duty of rehabilitation. The application has to be followed up before the authority concerned. If the claims are rejected then alone a writ petition can be filed pleading the manner in which it is claimed that the rejection is contrary to law.

4. As drafted, the Public Interest Petition does not warrant even a notice to be issued.

5. The Public Interest Petition is dismissed.

N. M. JAMDAR, J.

CHIEF JUSTICE