

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO.17 OF 2019**

Haider Ali Abdul Majeed Shaikh

..Petitioner

Versus

The Hon'ble Chief Secretary,
State of Maharashtra,
Mantralaya, Mumbai and others

..Respondents

Mr. Ashutosh Mishra I/by Kameshwar Tiwari, Advocate for the
Petitioner.

Mr. M. A. Sayed, AGP for the Respondent No.1 – State.

Ms. K. H. Mastakar, Advocate for Respondent No.3 – MCGM.

Mr. R. P. Ojha, Advocate for Respondent No.4.

Mr. Ashwin Bayes, Rent Collector 'K/E' Ward present.

**CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATE : 22nd AUGUST, 2019**

P.C.

1] The sketchily drafted Public Interest Litigation only guides the Court that 28 persons who are proposed to be rehabilitated in the building constructed by Respondent No.4, being project affected persons had already been allotted alternative accommodation and we highlight Exh.A which records that 8 persons noted therein have been allotted flats on different floors in different buildings in Tungwa, Tata Nagar, Gautam Nagar and Jogeshwari.

2] Learned counsel for the Corporation states that depending upon which agency of the State is executing development work, project affected persons are rehabilitated by said agency.

3] This creates utter confusion for the reason the Corporation as well as the Slum Rehabilitation Authority may have no clue.

4] Under the circumstances the only way forward to ensure that nobody takes benefits of two accommodations on the plea of being a project affected person is to direct the Secretary, Urban Development, Government of Maharashtra to treat the Petition as a representation to him. The annexures with the Petition would be looked into by the Secretary, Urban Development who would call for the relevant records from the different agencies of the State and would decide whether the 8 persons referred to in Exh.A and the 20 persons referred to in Exh.B were already rehabilitated. If the Secretary, Urban Development finds that said persons were already rehabilitated, he would pass necessary orders requiring 28 tenements which Respondent No.4 has to make available to the 2nd Respondent for being allotted to other eligible persons. If said 28 persons or any of them are found not having been rehabilitated then they would be permitted to be rehabilitated in the 28 tenements which Respondent No.4 has to make available to the Respondent No.2.

5] Secretary, Urban Development shall pass the necessary orders within six months from today.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE