

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

WRIT PETITION NO. 213 OF 2019

Ramesh G. Karani and Ors.	}	Petitioners
versus		
Slum Rehabilitation Authority	}	
and Ors.	}	Respondents

WITH
WRIT PETITION NO. 87 OF 2019
WITH
CHAMBER SUMMONS (L) NO. 31 OF 2018
AND
CHAMBER SUMMONS (L) NO. 291 OF 2018

Harcharansingh Ghura	}	
and Ors.	}	Petitioners
versus		
State of Maharashtra and Ors.	}	Respondents

WITH
WRIT PETITION NO. 102 OF 2019

Tulsidas Nabhumal Khatri	}	
and Ors.	}	Petitioners
versus		
Slum Rehabilitation Authority	}	
and Ors.	}	Respondents

WITH
WRIT PETITION (L) NO. 549 OF 2019

Suresh Subbayya Shetty	}	
and Ors.	}	Petitioners
versus		
The State of Maharashtra	}	
and Anr.	}	Respondents

WITH
WRIT PETITION (L) NO. 550 OF 2019

Pandurang Janardan Nayak	}	
and Ors.	}	Petitioners

versus

The State of Maharashtra	}	
and Ors.	}	Respondents

Mr. Anil V. Anturkar, Senior Counsel i/b Mr.Altaf Khan for the Petitioners in WP 213/19.

Mr.Nitesh Acharya I/b Nizam Tanveer M. Sharif for the Petitioners in WP 87/19.

Mr.Ashif Hussain for the Petitioners in WP 102/19.

Mr.Anand Mishra a/w Mr.Sushil Upadhyay, Mr.Manoj Nayar I/b A.M.Saraogi for the Petitioners in WPL 549/2019, WPL 550/2019.

Mr.S.P.Thorat for Respondent No.1-SRA in WP 213/19.

Mr.A.Y.Sakhare, Senior Advocate a/w Ms.Rupali Adhate for MCGM in all petitions.

Mr.Girish Utangale a/w Mr.Kunal Chheda and Mr.Chetan Mhatre I/b Utangale and Co. for Respondent No.2 (MHADA) in WP Nos.213/19 and 102/19.

Mr.Hemant Haryan, AGP for State in WP No.213/19

Mr.Sukanta Karmarkar, AGP for State in WP Nos.87/19 and 102/19.AND WP(L) No.549/2019

Mr.Amit Shashtri,AGP for R.No.1.in WPL/550/2019

Mr.Ashish Kamat, Mr.Rashmin Khandekar, Mr.Prateek Pai a/w Mr.Shashwat Rai I/b Keystone Partners for Respondent No.6 in WP Nos.213/19 and 102/19.

Mr.Anoop Patil for Respondent No.4 in WP No.87/19 and for Respondent Nos.1 and 4 in WP 102/19.

Mr.Anil Kshirsagar, Assistant Engineer, Maintenance M/West ward present

Mr. Sanjay Jadhav, Assistant Engineer, DP present

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATE :- APRIL 26, 2019

P.C. :-

1. The judgment in this case was dictated in open court. In the presence of parties and their counsel, we proceeded to dismiss these petitions without any order as to costs. However, our full judgment would not be ready, as transcribing or typing the same will take time. One of us (Hon'ble Mr.Justice B.P.Colabawalla) is leaving India on 29th April, 2019 and would not be available till 20th May, 2019. Therefore, the judgment would not be available for His Lordship's perusal till his return to India.

2. On noticing such state of affairs, Mr.Khan appearing for the petitioners in Writ Petition No.213 of 2019 prays for continuation of the ad-interim orders. This request is opposed by Mr.Sakhare, who submits that the road has to be widened to avoid heavy traffic congestion.

3. Having noted that larger public interest must prevail over every private or commercial interest and finding that the names of some of the petitioners have been compiled in a list prepared by the Municipal Corporation, which may be loosely termed as Annexure II, but which ensures a rehabilitation package or

scheme to them, we decline to accede to the request of Mr.Khan.

The request is refused.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)