

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

WRIT PETITION NO. 2531 OF 2017

Shantinagar Seva Mandal

.. Petitioner

v/s.

The State of Maharashtra & Ors.

.. Respondents

Mr. Rui Rodrigues I/b Mr. H.S. Ansari for the petitioner

Mr. V.P. Sawant for respondent nos. 2 and 3

Mr. Himanshu Takke, AGP for respondent State

**CORAM : A.S. OKA &
M.S. SANKLECHA, J.J.**

DATED : 25th MARCH, 2019

P.C.

1. Heard the learned Counsel appearing for the petitioner and the learned Counsel appearing for the second and third respondents.

2. In paragraph no.1 of the petition, it is claimed that the petitioner which is registered under the Societies Registration Act, 1860 has been formed by the residents of Shantinagar to raise their social status and raise voice against injustice. In fact, paragraph no.1 also records that this writ petition is purportedly filed as a Public Interest Litigation. The averments made in writ petition itself will show that under an order passed by the Collector, the subject land was transferred in the revenue

record in the name of the State Government. The petition proceeds on the footing that the occupants of the said land are likely to be evicted.

3. There is an affidavit filed by the Executive Engineer of the second respondent in which reliance is placed on a copy of the judgment and order dated 23rd December, 2015 in First Appeal No.124 of 2004 and other connected matters, which holds that the title in respect of the subject land vests in second respondent. The said order has been confirmed by the Apex Court. The stand taken in reply is that no such structure or slum as claimed in the petition was in existence on the subject land.

4. On one hand, the petition is claimed to be filed as a Public Interest Litigation and on the other hand, the petitioner seeks to protect interest of its members.

5. Apart from the fact that a petitioner who seeks to file the petition as a Public Interest Litigation, cannot claim any relief on behalf of its members, even a list of alleged members of the petitioner's society on whose behalf the relief is sought, is not annexed. We need not go into the question whether there are any slums or structures in existence on

the subject land, as alleged in the petition. Suffice it to say that if there are any slums or structures on the subject land and the persons in possession thereof are sought to be dispossessed, it is for them to file appropriate proceedings in accordance with law. We make it clear that we have not decided the issue whether any slums or structures are in existence on the subject land.

6. Subject to what is stated above, we decline to entertain this petition and the same is rejected.

(M.S. SANKLECHA, J.)

(A. S. OKA, J.)