

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

WRIT PETITION (L) NO. 3665 OF 2018

Gautam Bhaguram Khaire	}	
and Ors.	}	Petitioner
versus		
Assistant Engineer	}	
(Maintenance) and Ors.	}	Respondents

Mr.Santosh Sanjkar for the petitioner.

Mr.Rajesh Patil with Ms.Rupali Adhate for
the respondent Municipal Corporation.

Mr.Santosh Padile-Sub-Engineer,
Maintenance Department, F/N Ward,
Mr.Sandip Shelar-Sub-Engineer (SWD)
and Mr.Yasin S.K.-Executive Engineer F/N
Ward present.

CORAM :- S. C. DHARMADHIKARI &
G. S. PATEL, JJ.

DATED :- JUNE 3, 2019

P.C. :-

1. The petitioners have filed this petition essentially to stall the demolition. The petition itself narrates as to how the 32 petitioners before us are residing at a location or site adjacent to a pipeline. The petitioners say that by the impugned notice, which is pasted at a conspicuous place, the petitioners and persons similarly situate have been directed to vacate the existing premises. On 26th July, 2018, this public notice was issued, a copy of which is at annexure 'A' to the petition.

2. It is stated that major water works project affects 68 slum dwellers. Some of the slum dwellers, including the petitioners, were declared eligible for alternate accommodation. The alternate accommodation is also available and that is identified, but unacceptable to the petitioners.

3. We have perused the writ petition and all annexures thereto with the assistance of the petitioners' counsel. We find that the attempt is to stall the inevitable — i.e. to obstruct a project of the Municipal Corporation meant for the benefit of the general public. It is a water works scheme or project which is under implementation. There is a huge pipeline next to which these petitioners are residing. They are presently residing in unhygienic surroundings and unsafe structures. We do not think that human beings can be allowed to squat like this, more so when they are offered alternate accommodation. The dispute about alternate accommodation will not enable the petitioners to stall the demolition action. They have refused to comply with a public notice. Therefore, they must face the consequences.

4. We do not find any merit in the writ petition. The petitioners have no right over a public property. In the circumstances, the writ petition is entirely misconceived and it is dismissed. There would be no order as to costs.

5. Needless to clarify that if there is a scheme for rehabilitation of the petitioners who are declared eligible, then our order and dismissal of this petition shall not preclude the petitioners from claiming appropriate reliefs under such a scheme. All contentions in relation thereto are kept open.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)