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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 8096 OF 2018

Pradeep Shankar Joshi ... Petitioner
Vs.
Slum Rehabilitation Authority, Pune & Ors. ... Respondents

Mr. S. R. Nargolkar i/b Aumkar Joshi, for the Petitioner.
Mr. Deepak More, for the Respondent Nos. 1 and 2.
Mr. P. G. Sawant, AGP for the Respondent – State.
Mr. Chandranani Gamare i/b Sachin Masurkar, for the Respondent
No. 4.

**CORAM : S. J. KATHAWALLA &
VINAY JOSHI, JJ.**

DATE : MARCH 10, 2021

PC :

1. The Petitioner is the owner of piece and parcel of the land bearing Final Plot No. 580/1, 2 & 3 admeasuring 2023.41 Sq. mtrs., situated at Peth, Parvati, Pune. The Competent Authority vide its notification dated 10th December, 1981 has declared the said property as a Slum. The Respondent No. 1 Developer made a proposal to implement the Slum Rehabilitation Scheme on adjacent Plot No. 579 as well as on Petitioner's Plot Nos. 580/1, 2 & 3. Accordingly, a show-cause notice dated 15th December, 2017 was issued to the Petitioner

under Section 14(1) of the Maharashtra Slum Areas (Improvement and Redevelopment) Act, 1971 (for short the “Act of 1971”), which was followed by a notice dated 2nd July, 2018 declaring that the Petitioner’s land has been decided to be acquired. The Petitioner contended that he being the owner has preferential right to implement the scheme on his Plot Nos. 580/1, 2 and 3, the impugned show-cause notice dated 15th December, 2017 as well as the declaration dated 2nd July, 2018 be declared null and void.

2. After hearing the Advocates for the parties, the following order is passed by consent:

- (i) The Petitioner undertakes to submit a scheme under the provisions of the Act of 1971, within a period of nine months from the date of this order. The undertaking is accepted.
- (ii) The impugned show-cause notice dated 15th December, 2017 and the declaration dated 2nd July, 2018 are hereby quashed and set aside;
- (iii) The writ petition is disposed of in the aforesaid terms.

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[VINAY JOSHI, J.]

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[S. J. KATHAWALLA, J.]