

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

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PUBLIC INTEREST LITIGATION NO.104 OF 2021

Satish Jagdish Maral

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

Mr.Govind B. Solanke for the petitioner.

Mr.P.P. Kakade, GP a/w Mr.M.M. Pabale, AGP for the State.

Mr.Arvind Aswani for the respondent no.4.

Mr.Deepak R. More a/w Mr.Shivram A. Gawade for the respondent no.5.

Dr.Milind Sathe, Senior Advocate a/w Mr.J.G. Aradwad (Reddy) for the respondent no.7.

CORAM : R.D. DHANUKA

M.S. KARNIK, JJ.

DATE : 13th June 2022

P.C.:-

. By this Public Interest Litigation, the petitioner seeks an order and direction against the respondent no.7 to stop construction work carried out on Survey Nos.56, 57 and 63 of Sharad Nagar, Village Nigdi, Pune as according to the petitioner, the development is affected by Red Zone of Central Ammunition Department, Dehu Road, Pune and further seeks action against the Officers permitting such development.

2. Learned counsel for the petitioner invited our attention to a plan annexed at page 31 of the PIL and would submit that the affidavit-in-reply filed by the SRA is contrary to the said plan annexed at page 31. According to the petitioner, larger area of the petitioner is affected by Red Zone and thus no development is permissible on any portion of the land of the petitioner.

3. Dr.Sathe, learned senior counsel for the respondent no.7, on the other hand, invited our attention to the plan annexed at page 62 of the petition and also the report submitted by the office of District Collector, Pune to the Chief Executive Officer in response to the letter dated 5th August 2020 and complaint application dated 21st September 2020.

4. The Residential Deputy Collector has informed the Chief Executive Officer that the slum rehabilitation area as declared by Slum Rehabilitation Authority is totally admeasuring 7900.23 sq. mtrs. out of which 329.66 sq.mtrs. is affected by red zone.

5. Learned senior counsel also invited our attention to the averments made by the respondent no.4 in the affidavit filed by the Chief Executive Officer, SRA and more particularly in paragraphs 6 to 9 stating that a preliminary notification under Section 3C of the Slum Act was issued by the respondent authority on 29th December 2018 published in Maharashtra Government Gazette dated 3-9/2019 thereby inviting suggestions/objections from the Citizens within a time frame of 30 days in respect of the declaring the subject property of SRA and for further implementing the Slum Rehabilitation Scheme on the subject property in view of the proposal submitted by the respondent no.7. However, no objections were received by the office of the respondent authority from the public in respect of declaring the subject property as SRA as well as for implementation of Slum Rehabilitation Scheme on the subject property by the respondent no.7.

6. It is submitted by the learned senior counsel that only the

property admeasuring 329.66 sq.mtrs. of the respondent no.7 is affected by red zone. There is no permission for development granted by the SRA on any portion of 329.66 sq.mtrs. which is affected by red zone. The statements made in the affidavit filed by the SRA and learned senior counsel made across the bar are accepted.

7. In our view, since the SRA has not granted any permission to carry out development of the property admeasuring 329.66 sq.mtrs. which is the only area affected by red zone, no case is made out for grant of any relief. PIL is accordingly dismissed. No order as to costs.

M.S. KARNIK, J.

R.D. DHANUKA, J.