

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2413 OF 2019

Ankush Maniram Jaiswal

...Petitioner

Versus

1. Slum Rehabilitation Authority
2. The Secretary, SRA
3. Deputy Chief Engineer SRA
4. Executive Engineer, SRA Western Suburbs
5. State of Maharashtra
6. The Principal Secretary, Environment Dept.
7. The Executive Engineer, Road Development Divn.
8. Yogsiddhi Developers
9. M/s Sanjay Neve and Associates
10. Bandongri Ekta Griha Nirman Sanstha
11. Ramdas Kadam

...Respondents

Mr. Bhavesh Parmar a/w Mr. Rajesh Sahani & Reshma Nair i/b Devmani Shukla for the Petitioners.

Dr. B.B.Saraf, Senior Advocate, a/w Mr. Akshay Udeshi a/w Mr. N.N. Gawade i/b M/s Sanjay Udeshi & Co. for the Respondent No.1.

Mr. Kedar B. Dighe, AGP, for the Respondent No.5,6 and 7-State.

Mr. Karan Gajra a/w Dilip Jadeja i/b Abhijeet Desai (Desai Legal) for the Respondent Nos.1 & 2 – SRA.

CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
DATE : 22nd SEPTEMBER, 2022

P.C. :

1. By this petition, the petitioner seeks the following substantive reliefs;

“ (b) For a writ of an order in the nature of a writ of this Hon’ble Court directing the Respondent No.1 to immediately and forthwith and within a fixed time take legal action against the officials of the respondent authorities for having failed to discharge their statutory and mandatory duty of taking legal action upon receipt of the complaints from the petitioner (Journalist) and his colleague Mr. Rahuldev Sharma (also journalist).

(c) For a writ of an order in the nature of a writ of this Hon’ble Court directing the Respondents authorities to immediately and forthwith and within a fixed time take legal action upon the complaints received from the petitioner (Journalist) and his colleague Mr. Rahuldev Sharma (also journalist).

(d) For a writ of an order in the nature of a writ of this Hon’ble Court directing the Respondents authorities to immediately and forthwith revoke and/or cancel NOC dated 15.2.2001 issued by the Respondent No.7 to the Respondent No.9 and/or consequential renewals/santions, if any, issued to the private Respondents for having obtained the same through misrepresentation and fraud.

(e) For a writ of an order in the nature of a writ of this Hon’ble Court directing the Respondents authorities to immediately and forthwith revoke and/or cancel Environmental Clearance dated 29.4.2014 given by the Respondent No.6 to the Respondent No.8 and/or

consequential renewals/sanctions, if any, issued to the private Respondents for having obtained the same through misrepresentation and fraud.

(f) For a writ or an order in the nature of a writ of this Hon'ble Court directing the Respondents authorities to immediately and forthwith revoke and/or cancel Fire NOC that is being violated by non construction of service floor of height of 1.50 meters on the 4th floor as disclosed from the report dated 15.1.2019 of the Mumbai Fire Brigade.

(g) For a writ of an order in the nature of a writ of this Hon'ble Court directing the Respondents authorities to immediately and forthwith revoke and/or cancel LOI dated 21.06.2007 and/or revised LOI dated 30.09.2009 and/or consequential renewals/sanctions, if any issued to the private Respondents for having obtained the same through misrepresentation and fraud.”

2. At the outset, learned Counsel for the respondent No.8 - Yogsiddhi Developers raises a preliminary objection, with respect to the locus of the petitioner to file the aforesaid petition. He submits that the petition is in the nature of a PIL. He submits that the petitioner's personal rights are neither affected nor has he been declared as a legitimate slum dweller. He further submits that the petitioner's father, a slum dweller has been allotted a flat, in the project in question, and that possession of the said flat, has already

been handed over to the petitioner's father. Learned Counsel further submits that the petitioner's father had raised no grievance, at the time of taking possession of his flat in 2018. Learned Counsel further submits that the project is complete, inasmuch as, all slum dwellers have been handed over possession of their respective flats. He further submits that the construction of the six buildings commenced in the year 2009 and that as far as building Nos. 'A' to 'D' are concerned, full Occupation Certificate is received and as far as building Nos. 'E' and 'F' are concerned, part Occupation Certificate is received. He further submits that the petitioner's father apart from receiving a flat in the slum re-habilitation scheme, has also purchased one flat in the sale component. He submits that the petition ought not be entertained, considering the aforesaid.

3. Learned Counsel for the petitioner does not dispute the fact, that the petitioner has not been allotted a flat, nor has been certified as a slum dweller. He however, states that the petitioner's father has been declared as a slum dweller and by virtue of the said

fact, the petitioner, being the son of the allottee and since the petitioner is residing with his father, he has locus to file the aforesaid petition.

4. We are afraid, we cannot accede to the said submissions.

5. As far as possession is concerned, learned Counsel for the petitioner does not dispute, that his father has received possession of a flat in the slum rehabilitation component and that no grievance as alleged by the petitioner in the aforesaid petition, has been made by the petitioner, with any of the authorities, till date.

6. Having regard to the relief sought in the aforesaid petition reproduced in para 2, we decline to entertain the aforesaid petition.

7. The petition accordingly stands dismissed.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.