

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1948 OF 2022

Mr. Devendra S/o Gokulsingh Kachwah
and Others ... Petitioner

- Versus -

The State of Maharashtra & Others ... Respondents

Mr. Amit Kinkhede, Advocate for Petitioners.

Ms. K.S. Joshi, In-charge Government Pleader for Respondent
Nos.1 to 3.

Mr. S. M. Puranik, Advocate for Respondent No.4.

CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.

DATE : 13 APRIL 2022

P.C. :

This Writ Petition was listed today along with suo-motu Public Interest Litigation No.1 of 2020 as it challenges notices issued by the Nazul Naib Tahsildar for removal of the structures in light of the observations made in suo-motu Public Interest Litigation.

2. Ms. K.S. Joshi, learned In-charge Government Pleader tenders an affidavit in the suo-motu Public Interest Litigation, wherein the merits of the contentions raised in the present Petition was also covered. It is stated therein that though notices were issued, it was realized that the structures of the noticee are in the slum area and would fall under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and it is for the Competent Authority (Slum) Nagpur Municipal Corporation to take action of removal of the structure. Therefore, for lack of jurisdiction, notices have been withdrawn.

3. In light of the above statement the Writ Petition does not survive. In case the competent authority issues any notice, the notice will stipulate the period within which action is required to be taken as prescribed under the law. As and when such cause of action arises and if any further directions are issued in the suo-motu Public Interest Litigation, it is open to the Petitioners to agitate their cause.

4. The Writ Petition is accordingly disposed of.

(ANIL L. PANSARE, J.)

(NITIN JAMDAR, J.)