

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

**WRIT PETITION NO.5994 OF 2023**

Shivaji Baban Shelke

.... Petitioner

***Versus***

Tahsildar – 1 (SRA) & Ors.

.... Respondents

.....

Mr.Kanhaiya S. Yadav, Advocate for Petitioner.

Ms.K.N. Solunke, AGP for Respondent – State.

Simantini Mohite, Advocate for Respondent Nos.1 and 5.

Mr.Girish M. Agarwal, Advocate for Respondent No.2.

Mr.Abhijit Patil, Advocate for Respondent No.6.

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**CORAM : K.R. SHRIRAM &  
RAJESH S. PATIL, JJ.**

**DATED : 28<sup>th</sup> APRIL 2023**

**P.C. :**

1                      Petitioner moved for urgent circulation today because Petitioner has received a 48 hours eviction notice dated 19<sup>th</sup> April 2023 from Respondent No.1 under Section 33 and 38 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act 1971 (for short, “The Slum Act”). In prayer Clause (a) which is a substantive prayer being sought Petitioner wants a writ of mandamus to be issued directing to Respondent No.5 to decide the application for eligibility filed on 28<sup>th</sup> February 2022 and unless that is decided, the eviction notice should not be acted upon.

2                      Ms.Simantini for Respondent No.1 points out that in

Annexure–II, copy whereof is annexed to the Petition at Serial No.238, Petitioner himself has been shown as eligible person, and, therefore, the question of any eligibility of Petitioner being decided by Respondent No.5 does not and cannot arise. Petitioner's structure has already been demolished long ago. Mr.Yadav for Petitioner is saying that there is no dispute on Petitioner being eligible. Therefore, we find no merit in the Petition. Petition dismissed. We feel it is nothing but a bogus and proxy petition filed by Petitioner to stall re–development.

3           Petition dismissed with costs in the sum of Rs.10,000/-, to be paid to High Court Legal Aid Fund, Account No.60045304283, IFSC-MAHB0000002, of Bank of Maharashtra, Branch- Fort, Mumbai 400 032, maintained by the High Court Legal Services Committee, Mumbai. Room No.105, 1<sup>st</sup> Floor, PWD Building, High Court, Mumbai and to furnish the details of such cost to the High Court Legal Services Committee, Mumbai and obtain the receipt thereof physically or through Email, i.e., hclsc.mumbai@gmail.com which shall be the proof of such payment/deposit.

**(RAJESH S. PATIL, J.)**

**(K. R. SHRIRAM, J.)**