

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8538 OF 2017

ALONG WITH

CIVIL APPLICATION NO.1246 OF 2019

IN

WRIT PETITION NO.8538 OF 2017

Shri. Majid Ibrahim Shaikh & Ors.

.. Petitioners

Vs.

The Commissioner,

Panvel Municipal Corporation & Ors.

.. Respondents

- Mr. Bharat Gadkari a/w. Mr. Chinmay Deshpande, Ms. Trushna Shah & Ms. Seema Patil i/b. Tejash Dande & Associates for the Petitioners/Applicants.
- Mr. J.G. Reddy (Aradwad) for Respondent No.1–Corporation.
- Ms. M.P. Thakur, AGP for Respondent No.2–State.

**CORAM : SUNIL B. SHUKRE &
M.W. CHANDWANI, J.J.**

DATE : 25TH JANUARY, 2023.

P.C. :

1. Heard learned counsel for the petitioners, learned counsel for Respondent No.1 and learned AGP for the State.
2. There is no dispute about the fact that during the pendency of the petition, the structures in the nature of huts in question have been

demolished and that means virtually this petition is rendered as infructuous. Besides the petitioners from the date of filing of the petition were not protected as occupiers as defined under Section 3X(c) of the Slum Rehabilitation Scheme, as admittedly no photo-passes were issued in favour of any of the petitioners. It appears that the petitioners have also not approached the State Government for issuance of photo-passes in their favour. This would show that now nothing survives in this petition and the entire petition has been rendered infructuous. The petition is dismissed as infructuous with liberty to the petitioners to approach the State Government for issuance of photo-passes in terms of Section 3Y of the Slum Rehabilitation Scheme in accordance with law.

3. Interim application is disposed of in terms of the final order.

[M.W. CHANDWANI, J.]

[SUNIL B. SHUKRE, J.]