

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

WRIT PETITION NO.5313 OF 2021

Sayed Ali Kasam

.. Petitioner

Vs.

The Slum Rehabilitation Authority and Ors.

.. Respondents

Mr. R.A. Yadav for the Petitioner.

Mr. Ashish S. Gaikwad for Respondent No.1-SRA.

Mr. Digambar Kawale, i/by Mr. Sunil Sonawane, for Respondent No.2-Municipal Corporation.

Ms. M.H. Mhatre, APP for Respondent No.3-State.

Mr. Kanhaiya S. Yadav, with Mr. Govind J. Prajapati, for Respondent No.4-Society.

Ms. Amita V. Kamble, i/by M/s. Kshitija Wadkar & Associates, for Respondent No.5.

CORAM : SUNIL B. SHUKRE & ABHAY S. WAGHWASE, JJ

DATE : 6TH MARCH, 2023.

P.C. :

1. Heard learned counsel for the petitioner and respective counsel for the respective respondents.

2. By this petition, the petitioner is seeking to initiate a roving inquiry into what he alleges to be a big fraud and scam in redevelopment of certain slums as per the scheme floated under Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971. The petitioner makes allegations that there are about forty-two persons who have been inducted into the scheme, without they being entitled to, and many of these persons do not exist.

3. The learned counsel for the petitioner states that the petitioner had made several complaints to different authorities, but none of the authorities has taken any cognizance so far.

4. We have gone through the complaint made by the petitioner, which starts from page no.157 of the petition. On going through it, we find that only vague allegations have been made in the complaint like non-existence of certain persons, inclusion of some trespassers in the redevelopment scheme, preparation of fake Aadhar Cards and other identities and so on and so forth, but it does not state as to what is the basis for making these allegations. It is not known as to who has allegedly forged the various documents, including Aadhar Card, and who is a trespasser and who is not a trespasser. In these facts and circumstances, it is not possible for this Court to issue any direction or make any intervention in the matter. Criminal law can be set into motion only when the allegations are specific and at-least *prima facie* disclose commission of any cognizable offence, which is not the case here.

5. In the peculiar circumstances of this petition, it is liable to be dismissed with appropriate liberty to the petitioner. The petition stands dismissed with liberty to the petitioner to take recourse to such remedy as may be available to him in law, keeping all questions open.

[ABHAY S. WAGHWASE, J.]

[SUNIL B. SHUKRE, J.]