

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1578 OF 2023

Yogesh Mansukhlal Shah ...Petitioner
Versus
The Deputy Collector (Enc/Re) & Anr ...Respondents

Mr Dewasis Mitra, with Ridhi Jhaveri & Raj Shah, i/b Singhania
Legal Services, for the Petitioner.
Mrs AA Purav, AGP, for the State-Respondent No.1.
Mr Yazad Udwadia, i/b DM Legal Asso, for Respondent No.2.

CORAM G.S. Patel &
Neela Gokhale, JJ.
DATED: 21st March 2023

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1. The Petitioner has no locus whatsoever. He claims to be an occupant of one room in a chawl at village Kanheri, Taluka Borivali. He admittedly has no ownership interest in the land on which that chawl stands. The entire property, spread over several CTS numbers and admeasuring over an acre and a quarter, is the property of the 2nd Respondent which is developing the area as a slum project or a slum scheme. The challenge in the Petition is to an order of 30th November 2021 of the Maharashtra Slum Areas Tribunal. The Appeal was under Section 4(3) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act

1971 (“**the Slum Act**”). Before the Tribunal, the Petitioner assailed an order dated 27th July 2020 and sought to assail every action following a notice of 24th June 2020. The order of 27th July 2020 declared the property in question as a slum area.

2. The notification under Section 4(1) of the Slum Act was issued some time in the year 2006. This is undisputed. There were two chawls on the property, Ramanlal chawl and Mhatrewadi chawl. The remaining land was vacant. The argument before the Tribunal and now before us is that the parameters under Section 4(1) of the Slum Act were not considered.

3. There is no challenge to the Section 4 notification itself. It makes no difference that the Petitioner has challenged the notification before some other authority. But it is clear that the Section 4 notification was issued after the authority was satisfied that conditions existed on site warranting the declaration of an area and its notification as a slum area.

4. Importantly, the Slum Act contains provisions that makes it obligatory on the part of the owners to demonstrate that they have taken steps to keep the area in question free of slum-like conditions. The owner itself does not claim this. How an occupant of a room can do so is difficult to understand. This is apart from the fact that the occupant is of course not himself willing to contribute one naya paisa towards the development of the land or to keeping it free of slum-like conditions. The real intent of the Petition is clear which is

to oppose the redevelopment and possibly to extract some benefit or gain out of it.

5. We see no merit in the Petition. It is rejected. There will be no order as to costs.

(Neela Gokhale, J)

(G. S. Patel, J)