

Prajakta Vartak

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 750 OF 2024

Habib Bismilla Khan ..Petitioner
Versus
The State of Maharashtra through
Deputy Collector (Land Acquisition)-4 & Ors. ..Respondents

Mr. Muttahar Khan with Mr. Omar Shaikh for Petitioner.
Mr. Himanshu Takke, AGP for State.
Mr. Atul Damle, Senior Advocate with Ms. Shweta Patankar i/b. Mr. Sunil
Sonawane for Respondent No.2/MCGM.

AND
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 479 OF 2024

Mrs. Jyoti Balkrishna Shah ..Petitioner
Versus
Municipal Corporation for
Greater Mumbai & Ors. ..Respondents

Mr. Sachin Dhakephalkar for Petitioner.
Ms. M. S. Bane, AGP for State.
Mr. Santosh Parad for Respondent No.2/MCGM.

CORAM: G. S. KULKARNI &
SOMASEKHAR SUNDARESAN, JJ.
DATE: 12 JULY, 2024.

P.C.:

1. To enable Mr. Damle, learned senior counsel for MCGM to take
instructions on what was discussed in the Court and more particularly in
view of the decision taken by the Additional Chief Secretary, Urban

Development Department (page 117 of the petition) dated 24 March, 2023, we adjourn the proceedings to 25 July, 2024. We are of the opinion that the affidavit which is filed on behalf of the Municipal Corporation and as tendered today does not take into consideration the decision as taken by the Urban Development Department when in para 4(s) of the affidavit it is clearly stated that the Municipal Corporation would abide by the decision of the State Government and the Additional Chief Secretary, UDD, which has already been taken is part of the record.

2. We also clarify that in the event the same stand as taken by the Municipal Corporation is repeated, there shall be no alternative but to come to a conclusion that considering paragraph 4(s) of the said affidavit filed on behalf of the Municipal Corporation, the Municipal Corporation is no more interested to acquire the land in view of encroachment of lands by slum. In that event, an appropriate order would be required to be passed on the feasibility of the acquisition proceedings which is the question before us in the present proceedings.

3. Stand over to **25 July, 2024 (H.O.B.)**.

(SOMASEKHAR SUNDARESAN, J.)

(G. S. KULKARNI, J.)