

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO.25 OF 2025

Adv.Chetan Hemant Bhoir .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

...

Mr.Vijay Kurle with Vikas Pawar, Priyal Gupta,
Chandrashekhar Acharya and B.Dabre for the Petitioner.

Mr.O.A.Chandurkar, Additional Government Pleader with
Mrs.Savita A. Prabhune, A.G.P. for the State/Respondent No.1.

Ms.Swati Sagvekar for the Respondent Nos.2 and 3.

**CORAM: ALOK ARADHE, C.J. &
BHARATI DANGRE, J.**

DATED : 13th FEBRUARY, 2025

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P.C:-

1. The Petitioner, who claims to be a public spirited individual, has filed the Public Interest Litigation, seeking following reliefs :-

“(a). That this Hon’ble Court be please to issue appropriate writ, direction or order to prohibit the Respondent Authority from the demolition of the Suit Buildings with gross violation of the fundamental right to shelter till rehabilitation of the occupants.

(b). That this Hon’ble Court be please to declare the instant action of demolition of the Suit Buildings unreasonable without rehabilitation of the occupants of the buildings in view of the law laid down by the Constitution Bench of the Hon’ble Supreme Court in the case of Olga Tellis and Others vs Bombay Municipal Corporation and Others (1985) 3 SCC 545.

(c). That this Hon'ble Court be please to direct the Respondent No.1 and 2 to furnish the relief and rehabilitation plan to the Occupants of the Suit Building before initiating any precipitative steps for demolition.

(d). That this Hon'ble Court be please to stay the demolition drive during pendency of this PIL.

(e). That the ad-interim in terms of the prayer clause 'd' be granted.

(f). Any other order, directions may be issued in the interest of justice as this Hon'ble Court deems fit and proper."

2. At the outset, learned counsel for the Petitioner submitted that the action of demolition of the buildings in question has been taken in pursuance of the order dated 08/07/2024 passed by the Division Bench of this Court in Writ Petition No.15853 of 2022. It has been fairly submitted that the aforesaid order has been upheld by the Hon'ble Supreme Court by an order dated 01/10/2024, passed in Special Civil Petition (Civil) Diary No(s).45052 of 2024. It is also submitted by the learned counsel for the Petitioner that though the buildings in question have already been demolished, the Respondents are under an obligation to take up the issue with regard to rehabilitation of the persons, who have been displaced.

3. We have considered the submissions made by the learned counsel for the Petitioner.

4. The buildings in question were constructed on an area earmarked for sewage treatment plant and dumping ground, without obtaining any permission. A Division Bench of this Court, vide order dated 08/07/2024, therefore, directed their demolition.

5. The aforesaid order has been upheld by the Hon'ble Supreme Court insofar as it pertain to demolition. However, the residents of the aforesaid buildings have been granted liberty in the following terms :-

“4. In these circumstances, we are of the view that notwithstanding the dismissal of the Special Leave Petition, the occupants are at liberty to approach the Government Authorities (respondent Nos. 1 and 2) for a commensurate scheme of rehabilitation. In the special facts of this case, the authorities should explore the possibility of rehabilitation of the affected occupants. However, it is made clear that the authorities are at liberty to go ahead with the demolition of the illegal construction. The feasibility of rehabilitation should be considered independent of the demolition action by the authorities.”

6. In view of the aforesaid, the Respondents are under an obligation to consider the feasibility of rehabilitation of the persons, who have been displaced on account of demolition of the buildings.

7. Learned counsel Ms.Sagvekar, representing Respondent Nos.2 and 3, prays for and is granted three weeks' time to enable her to seek instructions in this regard.

8. List on 06/03/2025.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)