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**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 for petitioner.

Mrs. Neha S. Bhide, Govt. Pleader with Mr. O. A. Chandurkar, Addl. Govt. Pleader and Mrs. S. A. Prabhune, AGP for respondent no.1.

Mr. M. P. Rao, Senior Advocate a/w Ms. Swati Sagvekar for respondent nos.2 and 3.

Dr. Uday Warunjikar i/by Mr. Aditya P. Kharkar for respondent no.4.

**CORAM: ALOK ARADHE, CJ. &
SANDEEP V. MARNE, J.**

DATE: 11th JULY, 2025

P.C.:

1. A Bench of this Court, by an order date 13th February, 2025, had directed the respondents to consider the feasibility of rehabilitation of the persons who have been displaced on account of demolition of the buildings.

2. The aforesaid order was passed in view of the directions contained in the order dated 1st October, 2024 passed by the Supreme Court in Special Civil Petition (Civil) Diary No(s).45052 of 2024.

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3. We have heard the learned counsel for the parties at length and perused the affidavit in reply filed on behalf of the respondent no.1- State, wherein in paragraphs 4 to 6 following stand has been taken: -

"4. It is pertinent to note that, the demolition of the buildings which is in question in the present Petition were demolished pursuant to the Order dated 08.07.2024 passed by the Hon'ble High Court as the same were constructed on the reservation of dumping ground and sewage treatment plan (Exhibit D Page 41 to the Petition). The said order was thereafter challenged before the Hon'ble Supreme Court and the same challenge was dismissed by the Hon'ble Supreme Court vide Order dated 01.10.2024 (Exhibit C page 49 to the Petition). The Hon'ble Supreme Court in the said order observes a follows:

"In the circumstances, we are of the view that notwithstanding the dismissal of this Special Leave Petition, the occupants are at liberty to approach the Government Authorities (Respondent No.1 and 2) for commensurate scheme of rehabilitation. In the special facts of this case, the authorities should explore the possibilities of rehabilitation, of the affected occupants."

5. Post passing of the said Order, the Respondent Corporation addressed letter dated 12.11.2024 to the State Government seeking their advice and guidance in this regard.

6. It is pertinent to note that the structures were demolished pursuant to the orders of the Hon'ble High Court. This said order of the Hon'ble High Court was not at all interfered by the Hon'ble Supreme Court. As on date there is no scheme or policy of the State Government for rehabilitation of persons whose constructions have been demolished for the same being illegal and unauthorized. In view of this fact, a letter has been issued to the Commissioner, Vasai-Virar Municipal Corporation with respect to their letter dated 10.06.2025, a copy of this letter is annexed as Exhibit-A. Accordingly, the prayers sought by the Petitioner ought not to be entertained."

4. The respondent-State has taken a stand that they do not have the policy of rehabilitation of the persons who have been displaced on account of demolition of the buildings. However, the respondent-State has failed to consider the issue with regard to feasibility of rehabilitation of persons who have been displaced on account of demolition of the buildings.

5. At this stage, learned Government Pleader, appearing for the State, prays for and is granted three weeks' time to enable her to apprise this Court with regard to the decision, which may be taken by the respondent-State regarding the feasibility of rehabilitation of persons who have been displaced on account of demolition of the buildings.

6. List after three weeks.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)