RUSHIKESH VISHNU PATIL
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14272 OF 2018

Bablu Banarasi Bidlan & Ors. .. Petitioners

Versus

The Nashik Municipal Corporation & Ors. .. Respondents

WITH
WRIT PETITION NO. 14270 OF 2018

Shambai Hiraman Jatale & Ors. .. Petitioners

Versus

The Nashik Municipal Corporation & Ors. .. Respondents

WITH
WRIT PETITION NO. 14271 OF 2018

Anjali Ravindra Jadhav & Ors. .. Petitioners

Versus

The Nashik Municipal Corporation & Ors. .. Respondents

WITH
WRIT PETITION NO. 14269 OF 2018

Latabai Nandu Satpute & Ors. .. Petitioners

Versus

The Nashik Municipal Corporation & Ors. .. Respondents

WITH
WRIT PETITION NO. 14273 OF 2018

Dinkar Laxman Pawar & Ors. .. Petitioners

Versus

The Nashik Municipal Corporation & Ors. .. Respondents

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Adv. Kanak Upadhyay i/by Ketan Joshi, for the Petitioners in WP/14271/2018.

Ms Riddhi Gurav h/f Mr. Sujeet Deshmukh, for the Petitioners

in WP/14270/2018.

Ms Riddhi Gurav h/f Mr. Akshay Purkar, for the Petitioners in WP/14272/2018.

Ms Riddhi Gurav h/f Mr. Ravi Asabe, for the Petitioners in WP/14273/2018.

Ms Riddhi Gurav h/f Ergo Juris, for the Petitioners in WP/14269/2018.

Mr. Rupesh Lanjekar, for Respondent No. 1-Corporation.

Mr. Bhushan Deshmukh a/w Mr. Shashank Patare, for Respondent No. 8.

Mr. Kedar B. Dighe, Addl.G.P. a/w Mr. M. M. Pable, AGP, for the State in WP/14271/2018 and WP/14272/2018.

Mr. Kedar B. Dighe, Addl.G.P. a/w Ms R. M. Shinde, AGP, for the State in WP/14270/2018.

Mr. Kedar B. Dighe, Addl.G.P. a/w Mr. Ketan Joshi, 'B' Panel Counsel, for the State in WP/14269/2018.

Mr. Kedar B. Dighe, Addl.G.P. a/w Mr. S. H. Kankal, AGP, for the State in WP/14273/2018.

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CORAM: BHARATI DANGRE &
ASHISH S. CHAVAN, JJ.

DATED: 13th OCTOBER, 2026

P.C:-

1. The five Writ Petitions, filed by the individuals who claim the benefit of the judgment and order dated 07.09.2017 passed in Writ Petition No. 3456 of 1988, in case of ***Shridhar Gangadhar Lonari Vs. Nashik Municipal Corporation and Ors.***, seek implementation of the directions issued by this Court. The background facts would reveal that it was one Shri Lonari, the Petitioner, who approached the Court, seeking a writ of

mandamus against the Corporation/ the Planning Authority and praying that it shall discharge its statutory obligation under the Maharashtra Regional and Town Planning Act, 1966 (for short “the MRTP Act, 1966”).

The petitioners, being the successor of the original owner of the land, pointed out before the Court that the land is encroached upon and a scheme was prepared by the Planning Authority for the proposed redevelopment of Sahavas Nagar slum under Valmiki Ambedkar Aawas Yojana, which was to be implemented through MHADA, and in the affidavit filed by the Planning Authority, the Court was informed that there was never any dispute between the petitioners and the Planning Authority regarding the execution of the agreement, but the affidavit referred to three final plots, namely, Plot Nos. 103, 104A and 104B, which were declared as slum areas. Upon appreciating the facts on the basis of the submissions and affidavits placed on record, the Division Bench of this Court directed the Planning Authority to place the petitioners in vacant possession of a portion admeasuring 1,840 sq.mtrs. out of final Plot No.103 under the Town Planning Scheme, Nashik, on or before 31.12.2018, though the petitioners were held to be not entitled to seek possession of an area of 978 sq.mtrs.

covered by the agreement dated 15.12.1995. A direction was also issued that possession of Plot No.103 shall be handed over after removing the encroachment. It was also directed that it would be open to the Planning Authority to invoke the relevant provisions of the Slum Act, and implement the Pradhan Mantri Aawas Yojana and rehabilitate the affected persons by providing them benefit of the said scheme.

After passing of the said judgment on 07.09.2017, two things emerged with clarity, firstly, the original petitioner in the said petition, who is a Respondent herein, is not put in possession of the said land, i.e. Plot No.103, but except making repeated representations, he has not filed any independent proceedings and, secondly, the Petitioners before us, who claim to be slum dwellers and, according to us, the encroachers, continued to squat there and have not been removed. Eight years down the line from the order being passed, the learned counsel for the Corporation makes a statement that a scheme has been implemented on some portion of land, but definitely, the Petitioners are not among those who were declared eligible and not rehabilitated. The Petitioners are also unaware about their status, and even the Corporation is unable to throw any light on their entitlement or on whether they have been

rehabilitated.

2. In short, we could notice that, despite the specific directions issued by this Court, neither the Authorities nor the petitioners in whose favour the order was passed sought its implementation, and we are now informed that a Contempt Petition has been filed. In any case, the relief sought in the Writ Petitions, namely, that the Petitioners should first be rehabilitated before possession of the land is handed over to the Petitioners and that no coercive steps shall be taken against them, cannot be granted in these proceedings, as this Court has already passed certain directions and, if the Petitioners are encroachers, unless and until they are found entitled to be rehabilitated under the slum rehabilitation scheme by following the procedure prescribed therein by the Planning Authority, they stand no chance of continuing as encroachers.

In any case, we leave it open for the Corporation, i.e. the Planning Authority, to take appropriate steps.

With the aforesaid observations, the Writ Petitions are dismissed.

(ASHISH S. CHAVAN J.) **(BHARATI DANGRE, J.)**

Rushikesh