

Amk

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

PUBLIC INTEREST LITIGATION NO. 75 OF 2015

Shaikh Abdul Rahim .. Petitioner
Vs.
The State of Maharashtra & Ors. .. Respondents

Mr. Vishwanath Patil I/b P. P. Deokar for the Petitioner.
Mr. S. G. Surana for Respondent No.5.
Mr. J. G. Reddy (Aradwad) for Respondent No.2.
Mr. Nitesh Acharya I/b Anjali Awasthi for Respondent No.4.
Mr. Chetan Mhatre I/b Utangale & Co. for Respondent No.3.
Mr. Kunal Bhanage, AGP for Respondent No.1-State.

**CORAM : R. M. SAVANT &
K. K. SONAWANE, JJ.**
DATE : 12th SEPTEMBER, 2018.

P. C.

1. We are informed that by an order dated 18.07.2018 the scope of the above Public Interest Litigation has been expanded to cover all the Slum Rehabilitation Schemes in Mumbai as also the Mumbai Suburban District. This is in the context of the allegation of the Petitioner that a person is availing of the benefit of rehabilitation in more than one Slum Rehabilitation Scheme. It appears that pursuant to the order passed in the above PIL, a Committee headed by the Additional Collector has been constituted by the State Government to carry out a survey of the Slum Schemes in Mumbai as well as Mumbai Suburban District. The said Committee we are informed till date has carried out a survey of about

86429 tenements in various Slum Schemes in Mumbai and Mumbai Suburban District and have identified about 30564 occupants who are, prima-facie, in illegal occupation being the persons other than the persons whose names appear in Annexure-2. Out of the various occupants, 11 are in the Respondent No.4-Society. We are informed that notices were issued under Section 3 (E) of the Maharashtra Slum Area (Improvement, Clearance and Redevelopment) Act, 1971 to the said 11 persons. However, the matter has not proceeded further as there is a perception amongst the concerned Officers that since the above PIL is pending, the status-quo would have to be maintained. The learned Counsel for the Petitioner Mr, Patil has drawn our attention to the correspondence exchanged between the Assistant Registrar, Co-operative Societies, SRA and the Deputy Collector, SRA and the Deputy Collector, Encroachment and Removal. We would, therefore, like the learned AGP Mr. Bhanage to file an Affidavit stating the progress made in so far as the said 3(E) notices are concerned and if no progress is made as to why the notices have not been proceeded with and taken to their logical conclusion in so far as the said 11 occupants in the Respondent No.4-Society are concerned. We would also like the learned Counsel for the SRA Mr. Reddy to state on Affidavit the statutory impediment in the way of a person to avail of the benefit of more than one Slum Scheme. This view we would like in the context of the fact that the scope of the above PIL has now been expanded. The grievance of the

Petitioner in so far as the person availing the benefits in more than one Slum Rehabilitation Schemes appears to be meritorious and in public interest. If, there is no statutory backing for the aforesaid, we would like to know from the SRA and the State what they propose to do in the matter.

2. We, accordingly, defer the hearing of the above PIL to 10.10.2018 by which date we expect that the Affidavits would be filed and the information would be with the respective learned Counsel.

[K. K. SONAWANE, J.]

[R. M. SAVANT, J.]