

JPP

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

WRIT PETITION (LODG.) NO. 1668 OF 2018

Laxmi Ramji Gaikwad and Ors. ... Petitioners

V/s.

Municipal Corporation of Greater
Mumbai and Ors. ... Respondents

Ms. Gayatri Singh, Senior Advocate with Zaman Ali for the
Petitioners.

Ms. Pooja Yadav for MCGM.

Mr. Milind More, Addl.G.P. for the State.

Mr. Musharaf Shaikh h/f. Kiran Bhagalia for Respondent No.10.

***CORAM : NARESH H. PATIL, C.J. &
N.M. JAMDAR, J.***

DATE : 13 FEBRUARY 2019.

P.C. :-

The learned Senior Advocate for the Petitioners raises the issue concerning the provisions under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, certain areas in Aarey Colony which are likely to go for development including for the Metro Rail Project. The learned Counsel submits that there are other Petitions pending in respect of the SRA Scheme being implemented in the Aarey Colony areas.

According to the learned Counsel for the Petitioners, the said area includes the hamlets occupied by the tribals and there are 27 padas.

2. The learned Counsel for the Respondent No.10 submits that he would take instructions and ascertain the allegations made by the Petitioners at this stage.

3. The learned Addl. Govt. Pleader to take instructions from the Secretary, Social Justice and Special Assistance Department and the Tribal Development Department of the State of Maharashtra and will get all the information about the approach of the State Authorities under the Act of 2006 regarding the Aarey Colony areas.

4. The learned Counsel for the Respondent No.10 on instructions states that in respect of the action to be taken by the Authority as a policy to be considered by the State, will be ascertained and accordingly, the statement will be made.

5. The learned Counsel for the Petitioner to ascertain the other pending Petitions relating to the above subject. The necessary information will be exchanged. The learned Counsel for the Corporation would have to seek instructions and file reply, if any.

6. Stand over for three weeks i.e. 6 March 2019.

N.M. JAMDAR, J.

CHIEF JUSTICE