



14-PIL

2024:BHC-OS:15160-DB

Pdp

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

**PUBLIC INTEREST LITIGATION NO. 109 OF 2019
WITH
CONTEMPT PETITION (L) NO. 3760 OF 2023
WITH
PUBLIC INTEREST LITIGATION NO. 83 OF 2019
WITH
WRIT PETITION NO. 1292 OF 2018**

Vijendra Kumar Rai

.. Petitioner

Versus

State of Maharashtra & Ors.

.. Respondents

Mr. Vijendra Kumar Rai, petitioner in-person.

Ms. Rebecca Gonsalvez, Amicus Curiae.

Mr. L. T. Satlekar, AGP for State in
PIL/109/2019 and CONPPL/3760/2023.

Mr. Sukanta Karmarkar, AGP for State in
PIL/83/2019.

Mr. Amit Shastri, AGP for State in
WP/1292/2018.

Mr. Jamshed Master, a/w Mr. Paras S. Gosar,
i/b. Mr. Jayesh R. Vyas, for respondent no.
17 in PIL/109/2019.

Mr. A. Y. Sakhare, Senior Advocate with Mr.
Vijay D. Patil for respondents 1 & 2 (SRA) in
CONPPL/3760/2023 and for respondent no.6
in PIL/109/2019.

Mr. Jagdish G. Reddy for respondent nos. 7
to 13 in WP/1292/2018 and for respondents
13 to 16 in PIL/83/2019.

Dr. Milind Sathe, Senior Advocate with Mr.
Bhushan Deshmukh, Mr. Sakeeb Shaikh and
Mr. Jamshed Master, Mr. Altab Diamondwala,
Mr. Pradeep Jain, i/b M/s. Diamondwala &
Co. for respondents 9 & 16 in PIL/109/2019.



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Mr. Ativ Patel, a/w Ms. Viloma Shah i/b M/s. AVP Partners for respondent no. 21 in PIL/109/2019.

Mr. Y. R. Mishra with Mr. D. P. Singh for respondent no. 22 in PIL/109/2019.

Mr. Oorja Dhond i/b Mr. S. K. Sonawane for (MCGM).

CORAM: S. V. GANGAPURWALA, ACTING CJ. & SANDEEP V. MARNE, J.

DATE: APRIL 28, 2023

P.C.:

- 1.** The PIL makes a grievance with regard to the apathy on part of the respondents in rehabilitating slum dwellers. Various schemes are floated for redevelopment, rehabilitation of the slum dwellers.
- 2.** Common grievance in all these schemes is that the slum dwellers are not rehabilitated. The construction and sale of sale component is going on. Though the stop work notice was issued to the sale component building, still the construction is carried out. Eventually, the slum dwellers are not rehabilitated.
- 3.** One of the other major concerns is about non-payment of rent.



4. We have heard the petitioner-party-in-person, the learned Amicus Curiae, the learned senior advocate for the SRA, the learned senior advocate for respondent nos. 5 to 16 and the other parties.

5. We had on the last date requested Ms. Rebecca Gonsalvez to assist the Court as an Amicus Curiae. We appreciate the efforts taken by her. She has prepared the compilation of the orders, the chart showing the slum dwellers yet to be rehabilitated, the stage of construction of buildings, the amount of rent outstanding in respect of all the 17 schemes. It is submitted that in all there are 28 schemes, which are clubbed into 17 schemes. The record placed before us by the Amicus Curiae based on the affidavits filed and also the information available on the website depict a sorry state of affairs. As per the chart submitted by the learned Amicus Curiae, rent amount outstanding is more than Rs.74 crores.

6. It is submitted that as far as scheme of Mahalaxmi SRA Co-op. Hsg. Society Ltd. is concerned, the same is subject matter of another writ petition, wherein some orders are passed by the coordinate Bench of this Court. Huge amount of rent is due and outstanding.



7. Mr. Sakhare, learned senior advocate appearing for the SRA submits that immediate steps would be undertaken in respect of outstanding rent of all schemes except Mahalaxmi. He submits that notices will be issued and thereafter further steps will be undertaken.

8. The notices shall be issued within three weeks from today with regard to the outstanding rent and then the said notices shall be taken to their logical end. We expect the SRA to take diligent steps in that regard.

9. One of the contentions is that though this Court has restrained sale of flats in the sale component buildings of some schemes, the respondent-developers are entering into the transactions in respect of the sale buildings.

10. It is submitted that as far as schemes in respect of Matoshree and Saibaba Nagar are concerned, the action would be taken by the SRA immediately. The SRA undertakes to update its website by displaying the name of the developer executing particular scheme. In respect of Matoshree scheme, stop work notice has been issued.

11. The notices have been issued by the authority to the developer on 1st March, 2023 with regard to SRA scheme on Plot/CTS No. 140 of village Mogra, Jogeshwari to stop work of



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sale building immediately and again notice is issued to the developer on 5th April, 2023 that though the stop work notice is issued, still the work of sale building is being carried out. The SRA is required to take immediate steps in that regard.

12. We would consider as to whether the steps are being taken by the SRA with regard to erring developer.

13. Dr. Sathe, learned senior advocate appearing for developer submits that he is disputing the amount of rent outstanding as disclosed by the SRA.

14. Place the matters on 19th June, 2023 for further compliance.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)

Digitally
signed by
PRAVIN
DASHARATH
PANDIT
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