



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

**PUBLIC INTEREST LITIGATION NO. 109 OF 2019
WITH
PUBLIC INTEREST LITIGATION NO. 83 OF 2019
AND
WRIT PETITION NO. 1292 OF 2018**

Vijendra Kumar Rai } **Petitioner**
Versus
State of Maharashtra and Ors. } **Respondents**

Mr. Vijendra Kumar Rai, petitioner in-person
all petitions.

Mr. L. T. Satelkar, AGP for respondents 1, 2,
18 and 19 (State) in PIL/109/2019.

Mr. Sukanta Karmarkar, AGP for respondents
1, 17, 18, 22 and 23 (State) in PIL/83/2019.

Mr. Amit Shastri, AGP for respondents 1, 11,
12, 17 and 18 (State) in WP/1292/2018.

Ms. Rupali Adhate for respondents 3 and 4
(MCGM) in PIL/109/2019, for respondent no.
19 (MCGM) in PIL/83/2019 and for
respondent no. 13 (MCGM) in
WP/1292/2018.

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

Mr. Vijay D. Patil for respondents 6 to 8 in
PIL/109/2019.

Mr. Jamshed Master with Ms. Kinjal
Upadhyay i/b. Mr. Jayesh R. Vyas for
respondent no. 17 in PIL/109/2019.

Dr. Milind Sathe, Senior Advocate with Mr.
Bhushan Deshmukh, Mr. Shakeeb Shaikh and
Mr. Noorain Patel i/b. Diamondwala and Co.
for respondents 9 to 16 in PIL/109/2019,
respondents 2 to 11 in PIL/83/2019 and for
respondents 2 and 4 to 6 in WP/1292/2018.



**CORAM: DIPANKAR DATTA, CJ. &
ABHAY AHUJA, J.**

DATE: DECEMBER 8, 2022

P.C.:

1. Multiple objections to the maintainability of Public Interest Litigation No. 109 of 2019 have been raised by Dr. Sathe, learned advocate appearing for the respondents 9 to 16. According to him, not only has the petitioner not disclosed pendency of an earlier writ petition/PIL petition on the selfsame issues, he has also committed perjury by pleading on oath that he has not approached this Court earlier seeking the selfsame reliefs. Also, the petitioner with an evil motive has been targeting only the projects undertaken by the said respondents.

2. We need to consider these objections at an appropriate stage. However, having regard to the submissions that have been advanced by Mr. Rai, petitioner appearing in-person, by referring to the additional affidavit filed by the Slum Rehabilitation Authority (SRA) in compliance with the earlier order, we are inclined to the prima facie view that not all is well with the SRA and its dealings with the respondents 9 to 16. Two instances are placed on record. Despite lapse of the IOA issued in respect of Sr. No.28 of the tabular statement of projects, no action has been taken against the developer although the undisputed position is that several persons are yet to be accommodated. Also, entries in the tabular statement are at variance with the facts and figures projected by the petitioner.



3. However, we are of the further view that even if Dr. Sathe's contentions regarding lack of *bona fides* of the petitioner and approaching the Court with unclean hands succeed, the matter ought to be carried forward *suo motu* by this Court having regard to the seriousness of the concern expressed in the writ petition.
4. In such view of the matter, we propose to and hereby appoint Mr. Aditya Thakkar, learned advocate, as *Amicus Curiae*.
5. Mr. Rai shall make over to the learned *Amicus Curiae* all the pleadings that have been filed in connection with Public Interest Litigation No. 109 of 2019. We propose to hear this PIL petition together with the other petitions after the respondents 9 to 16 file a reply affidavit dealing with the additional affidavit of the SRA, within two weeks from date.
6. Stand over to **16th January 2023**.

(ABHAY AHUJA, J.)

(CHIEF JUSTICE)

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signed by
PRAVIN
DASHARATH
PANDIT
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