

ITEM NO.15

COURT NO.4

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 12332/2019

(Arising out of impugned final judgment and order dated 26-04-2019 in WP No. 213/2019 passed by the High Court Of Judicature At Bombay)

RAMESH G. KARANI & ORS.

Petitioner(s)

VERSUS

SLUM REHABILITATION AUTHORITY & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.79558/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.79559/2019-EXEMPTION FROM FILING O.T.)

WITH

SLP(C) No. 12188/2019 (IX)

(IA 78791/2019 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA 78792/2019 FOR EXEMPTION FROM FILING O.T.)

SLP(C) No. 12364/2019 (IX)

(IA No. 79629/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT & IA No. 79630/2019 - EXEMPTION FROM FILING O.T.)

Date : 06-06-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE AJAY RASTOGI
(VACATION BENCH)

For Petitioner(s)

Mr. Sanjay Parikh, Sr. Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Ritwik Parikh, Adv.
Ms. Sanjana Srikumar, Adv.
Mr. Altaf Khan, Adv.
Ms. Anjali Awasthi, Adv.
Mr. vivek Shukhla, Adv.

For Respondent(s)

Mr. Shekhar Naphade, Sr. Adv.
Ms. Suchitra A. Chitale, AOR
Ms. Tanvi Kakar, Adv.

Mr. Nitin S. Tambwekar, Adv.
Mr. Uday B. Dube, AOR

Mr. Aniruddha Joshi, Adv.
Mr. Nishant R. Katneshwarkar, AOR

Ms. Pritha Srikumar AOR
Ms. Vasudha Sharma, Adv.

M. Chirag M. Shroff, AOR
Ms. Sajana Nagia, Adv.
Ms. Mahima C. Shroff, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Applications for permission to amend the special leave petitions are allowed.

The petitioners have challenged an order dated 26th April, 2019 passed by the High Court of Judicature at Bombay dismissing Writ Petition No.213 of 2019 and other connected petitions.

The petitioners claim to be slum dwellers/hutment dwellers possessing photo passes. Admittedly, the petitioners are neither owners of the land on which their shops and residences are located nor hold the same under any tenancy or lease. It is submitted that they are protected occupiers.

On perusal of the judgment of the High Court, which is now available, it appears that there is a project of widening of the road for which the petitioners are required to be evicted.

Learned senior counsel, Shri Shekhar Naphade, appearing on behalf of the Municipal

Corporation of Greater Mumbai (for short, 'the Municipal Corporation'), on instructions, submits that all the petitioners have been offered alternative accommodation.

There can be no question of this Court interfering with the project of public importance of widening of a road in a highly congested city like Mumbai.

May be the alignment ought to have been uniform as contended on behalf of the petitioners. As rightly argued by Shri Sanjay Parikh, learned senior counsel appearing on behalf of the petitioners, multi-storeyed buildings ought not to have been sanctioned in 2015. On behalf of the Municipal Corporation, learned senior counsel argued that this ground was not raised before the High Court. Learned senior counsel for the petitioners submits that the ground was taken in the writ petition(s). Be that as it may, interference is not warranted in writ proceedings with an important project for widening of a road in a congested city, on the ground of the alignment not being uniform by reason of construction of multi-storeyed buildings. There can be no equality

to a wrong. A project of public importance, it is reiterated ought not to be stalled. The order does not call for interference. However, as submitted on behalf of the Municipal Corporation, the petitioners, if they are protected occupiers, shall be provided with alternative accommodation as early as possible preferably within three months from the date of eviction.

The special leave petitions and all pending applications are accordingly disposed of in the above terms.

(NEETU KHAJURIA)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER