

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO.143 OF 2009

Abdul Samad. .. Petitioner
Vs
The State of Maharashtra and Others. .. Respondents
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Ms. Prisulla Samuel for the Petitioner.
Ms. Uma Palsule Desai, AGP for the Respondent No.1.
Shri Vijay D. Patil for the Respondent No.2.

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CORAM : A.S. OKA & G.S. PATEL, JJ
DATED : 4TH DECEMBER 2015

PC.

1. Perused the affidavit of Shri Madhukar Arjunrao Suryawanshi, the Co-operative Officer, Grade II of the Slum Rehabilitation Authority, which is dated 2nd July 2010. We have perused the letter dated 1st July 2010 addressed by the Deputy Collector working under the Slum Rehabilitation Authority to the Additional Collector (Encroachment) of Mumbai Suburban District, Bandra (East), Mumbai – 400 051. The Competent Authority appointed under Sub-section (1) of Section 3 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (for short “the said Act”) is under an obligation to exercise the powers under Sub-section (2) of Section 3E as well as Section 33 of the said Act.

2. The learned AGP submitted that the Competent Authority appointed under the said Act is the Deputy Collector (Encroachment & Eviction), Mumbai Suburban District, having his office at Bandra (East), Mumbai – 400 051.

3. If the Additional Collector (Encroachment) finds that the Deputy Collector is the Competent Authority, he shall forthwith forward the requisition dated 4th July 2010 to the Deputy Collector who is empowered to exercise the powers of the Competent Authority under Sub-section (2) of Section 3E and Section 33 of the said Act. We direct the concerned Competent Authority to take steps as expeditiously as possible and in any event within a period of one month from today. Compliance report shall be filed by the concerned Competent Authority within a period of six weeks from today along with an affidavit.

4. For considering the compliance affidavit, the Petition shall be listed on 28th January 2016.

(G.S. PATEL, J)

(A.S. OKA, J)