

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

PUBLIC INTEREST LITIGATION NO.119 OF 2009

Janhit Manch, through its
President & Others .. Petitioners.

V/s.
State of Maharashtra
through the Principal Secretary,
Urban Development Dept.,
& Others .. Respondents.

WITH
PUBLIC INTEREST LITIGATION NO.143 OF 2009

Abdul Samad .. Petitioner.

V/s.
The State of Maharashtra
& Others. .. Respondents.

Mr. Bhagvanji Raiyani, Petitioner-in-person, present.
Ms. Uma Palsule-Desai, AGP for Respondent -State.
Mr. Kalpesh Patil i/b. Mr. Vijay Patil for Respondent No.3.

**CORAM: MOHIT S. SHAH, C.J. &
M.S.SANKLECHA,J.**

DATE : 26 SEPTEMBER 2013.

P.C:-

At the last hearing on 24 March 2011, this Court had recorded the statement of learned AGP that since the Officer had not been armed with sufficient powers, the State Government shall consider and introduce a bill in the Legislature to confer more stringent powers to the authorities to take action against the allottees who have made unauthorized transfers in breach of the allotment orders.

2 Learned AGP has placed on record the Amendment Act No.11 of 2012, amending the Slum Act and particularly Section 6 of the Amendment Act, amending Section 3E of the principal which adds the following :-

“ The existing section 3E of the principal Act shall be renumbered as sub-section (1) thereof; and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:-

(2) If the tenement is transferred by the allottee in contravention of the provisions of sub-section (1), the Competent Authority shall, by order, direct the eviction of the person in possession of such tenement in such manner and within such time as may be specified in the order, and for the purpose of eviction, the Competent Authority may use or cause to be used such force as may be necessary;

Provided that, before issuing any order under this sub-section, the Competent Authority shall give a reasonable opportunity to such person to show cause why he should not be evicted therefrom.”

3 Within three weeks from today, Dr. Limye, Conservator of Forests and Director, Sanjay Gandhi National Park shall submit the report indicating the present status of the Sanjay Gandhi National Park in relation to the existing encroachments, if any, the allotment of rehabilitation tenements to those who are eligible and any other significant facts which may require attention of this Court. Report be submitted by 15 October 2013.

4 **Stand over to 17 October 2013.**

CHIEF JUSTICE

(M.S.SANKLECHA,J.)