

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO.140 OF 2008

Janhit Manch and others .. Petitioners
Versus
Brihanmumbai Municipal Corporation
and others .. Respondents

WITH

CHAMBER SUMMONS NO.372 OF 2007
WITH
NOTICE OF MOTION NO.196 OF 2010
WITH
NOTICE OF MOTION NO.19 OF 2013
WITH
NOTICE OF MOTION NO.469 OF 2014
WITH
NOTICE OF MOTION NO.350 OF 2015
WITH
NOTICE OF MOTION NO.606 OF 2015
WITH
NOTICE OF MOTION NO.866 OF 2016
WITH
NOTICE OF MOTION NO.166 of 2017
WITH
NOTICE OF MOTION NO.308 of 2017

...

None for the petitioner.
Mr.L.T. Satelkar, AGP for the State.
Mr.A.Y. Sakhare, Senior Counsel with M/s.K.H. Mastakar and
Mr.Ashwin V. Sakholkar for MCGM respondent.

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**CORAM: PRADEEP NANDRAJOG, C.J.
AND BHARATI DANGRE, J.**

DATED : 20th August 2019

P.C:-

1 By way of the instant Public Interest Litigation, the petitioner desires slum encroachees around water supply pipe lines in Mumbai to be removed because effluent generated in the slum seeps into the water pipe lines. In the year 2019, directions were issued to the MCGM to remove the slum dwellers and rehabilitate them at a different site. Unfortunately, the plots where the encroachees were intended to be rehabilitated were not brought within reservation and the result was that the said plots not being available to resettle the encroachees. The MCGM took a decision to rehabilitate the encroachees at Mahul, an area stated to be highly polluted. The affected persons filed Writ Petitions, which we are given to understand are about 27 in number. In said Writ Petitions, orders were passed requiring the encroachees to be paid transit rent and three months transit rent by way of security deposit. The Writ Petitions are still pending to ensure compliance being made to the orders passed therein.

2 We have noted the aforestated to bring in point that as regards the instant PIL, no further order needs to be passed

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because the relief prayed for is to direct MCGM to remove encroachees from near the water pipe lines. MCGM commenced said process but had to face litigation from the encroachees. What final relief needs to be granted to the encroachees would be decided in said Writ Petitions. Thus, Public Interest Litigation No.140 of 2016 is disposed of as infructuous.

3 Since the Public Interest Litigation has been disposed of as infructuous, all pending Notices of Motion and Chamber Summons are also disposed of as infructuous.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE

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