

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1152 OF 2002

Citisspace & Ors. .. Petitioners
V/s. ..
State of Maharashtra & Ors. .. Respondents

Mr. Aspi Chinoy, Senior Advocate with Mr. Z.A. Jariwala i/b Thakore Jariwala & Associates for the petitioners.
Ms. T.H. Puranik with Ms. Yamuna Parikh for the respondent – BMC.
Mr. G.D. Utangale with Mr. B.V. Phadnis i/b Utangale & Co. for respondent no.2.
Mrs. Madhubala Kajale, A.G.P. for the respondent State.

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

DATE : 19 AUGUST 2014

P.C.:

The praecipe dated 11 August 2014 has been filed by the Assistant Government Pleader to request deletion of name of the learned Advocate General appearing for the State in the order dated 25 July 2014 on the ground that Mr. Khambata had previously appeared for one of the parties and, therefore, he would not like to appear on behalf of the State.

2. It is made clear that this Court is not hearing the present writ petition as an adversarial matter, but as a public interest litigation to find out solution to the problem of balancing the schemes of

rehabilitating slum dwellers and rights of the citizens to have green open spaces. We, therefore, do not accede to the request made by the learned Advocate General, who is requested to appear and assist the Court in this matter.

3. We now take up the praecipe dated 19 August 2014 filed by the advocate for the petitioners.

4. Mr. Aspi Chinoy, learned Senior Advocate for the petitioners, submits that in para 4 of the order dated 25 July 2014 needs correction. He submits that at the hearing a statement was made by Mr. Srivastav, the Secretary, Urban Development Department, that the stand of the State Government was that the policy of the State Government is to see that slum dwellers are rehabilitated in the vicinity of the land on which hutments are presently situated. The learned counsel, therefore, submits that para 4 of the order may be corrected to reflect the above stand.

5. In view of the above, para 4 of the order shall be substituted by the following:

“4. At the hearing today, Mr. Srivastav, the Secretary, Urban Development Department has submitted that the State Government would devise schemes / incentives in order to free up the

encroached RG / PG open spaces, but that practical compulsions may make it difficult to completely exclude some extent of in situ rehabilitation.”

The order be corrected accordingly.

Both the praecipe stand disposed of.

CHIEF JUSTICE

(M.S. SONAK, J.)