

Raju Z. Moray

Vs

State of Maharashtra and Others

SLP (C) No. 22584 of 1994

(CJI A. M. Ahmadi, Sujata V. Manohar, B. N. Kirpal JJ)

30.09.1996

ORDER

1. The petitioner, a practicing advocate filed a petition in the Bombay High Court alleging that prime properties held in trust for public purposes/communities by the State and/or the Municipal Corporation as trustees of the citizens of Bombay were being gifted away to influential builders and/or politicians on long lease at nominal rates permitting commercial exploitation.
2. The writ petition made references to certain specific plots etc. The High court examined the transactions and ultimately reached the conclusion that the action of allotment was bona fide and rejected the petition. Hence, this petition by way of special leave.
3. When this petition was called on for hearing, both the counsel for the petitioner as well as the respondent stated that they did not desire to question the correctness of the finding recorded by the High Court in relation to the plots at Bandra and Versova referred to in paras 2 and 3 of the judgment but their only concern was that there should be proper guidelines framed in this behalf to ensure that valuable property belonging to the State Municipal Corporation is not given away for a song to the builders/politicians and the like. Since both parties are agreed that it may be desirable to frame guidelines under the guidance and supervision of the High Court they desired that the matter may be remitted back to the High Court for this limited purpose. Since the parties are agreed without disturbing the finding on merits we remit the matter to the High Court for a consideration whether on the averments made in the petition it was necessary to frame guidelines and, if yes, what those guidelines should be. With these observations we dispose of the special leave petition.

Court Masters