



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO.35 OF 2022**

Dr. Vijay Uma Shankar Mishra : Petitioner

V/s.

The Commissioner, MCGM & Ors. : Respondents

Mr. Vijay Uma Shankar Mishra, Petitioner is present in person.

Mr. Jagdish G. Aradwad (Reddy) for Respondent No.2.

Mr. Akshay Shinde a/w Oorja Dhond i/by S. K. Sonawane for Respondent No.3.

Mr. Malcolm Sigantoria a/w Sandeep D. i/by Jayesh Vyas for Respondent Nos.4 and 5.

Mr. Milind Sathe, Senior Counsel a/w Jamshed M., Aftab Diamondwala, Huda Diamondwala, Haaris R. and Alfiya Diamondwala i/by Diamondwala & Co. for Respondent No.6

Smt. Uma Palsuledesai, AGP for State.

Mr. Rubin Vakil a/w Sonam Mhatre, Saloni Sulakhe, R. Deshmukh i/by Dhaval Vussonji & Associates for Respondent No.8.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE : 10th NOVEMBER, 2023

P.C. :

1. This Public Interest Litigation Petition concerns itself with the welfare of Washermen and Rassiholders, who

undisputedly have been engaged in their traditional family profession of washing clothes at Dhobighat situated at Dr. E. Moses Road, Jacob Circle, Mumbai – 400 011.

2. From the pleadings available on record and on the basis of the submissions made today before us by the learned counsel representing the respective parties, what we notice is that the Washermen for last about more than 100 years have been using a particular plot where stones with cubicles have been fixed for washing clothes. These stones/cubicles have been operated by the Washermen on the license extended to them by the Municipal Corporation. The plot where these stones/cubicles are situated is a heritage site. Adjoining this plot, there is another piece of land across the road comprising plot Nos. C.S. No. 1(pt) and 2(pt) which traditionally has been used for drying the washed clothes using rope (Rassi). The persons engaged in drying the clothes in this drying yard are called Rassiholders. On this piece of land comprised of C.S. Nos.1(pt) and 2(pt), the Slum Rehabilitation Authority has come up with a Slum

Development Scheme for the reason that the entire area was habitated by slum dwellers.

3. The Petitioner, who appears in person, submits that there cannot be any objection to the Slum Development Scheme provided the interest of the Washermen/Rassiholders are protected. The Washermen/Rassiholders belong to the lower strata of the society and ours being a welfare state has to be alive to their problems and accordingly it becomes the duty of the Court to protect their rights, specially the constitutional rights. Keeping this in view, we are of the opinion that adequate steps need to be taken to protect the interest of Washermen/Rassiholders at one hand and it also be ensured that the Slum Development Scheme floated by the SRA is carried out smoothly.

4. We may refer to minutes of meeting held on 25th May, 2016 which is said to have been attended by the Chief Executive Officer of SRA, Assistant Municipal Commissioner, BMC, representatives of Washermen/Rassiholders, representative of

the developer, representative of the Architect and certain other individuals. From a perusal of the minutes of the said meeting, it is clear that the parties have agreed to take adequate measures for safeguarding the interest of the Washermen/Rassiholders.

5. The area of concern, in this regard, as can be pointed out are (1) that Washermen/Rassiholders are paid transit rent regularly, (2) they are also provided transit accommodation/space for drying the clothes which should be of an adequate area and (3) once the building is constructed, these Washermen/Rassiholders are provided adequate space for drying the clothes. So far as the provision for space for drying in the building, which is to come up once the scheme is completed, is concerned, though some objections appear to have been raised by certain Washermen/Rassiholders in the meeting held on 25th May, 2016, however having regard to the scarcity of space and also taking into account the rapid strides made in technology, it would be appropriate if in the building these

Washermen/Rassiholders are provided with the modern mechanized facility for drying the clothes.

6. Certain apprehensions have been expressed by the Petitioner who appears in person, to the effect that the Washermen/Rassiholders are not being paid transit rent regularly and further that the transit space presently provided is inadequate for drying the clothes. Having regard to the aforesaid facts, we pass the following orders as temporary measure;

- i) Mr. Ranjeev Carvalho and Mr. Vikramjeet Garewal, practicing lawyers of this Court are appointed as Advocate Commissioners to pay a visit to the transit accommodation presently provided for drying the clothes to the Washermen/Rassiholders for ascertaining the adequacy of the space available to each Washerman/Rassiholder. The Advocate Commissioners shall also ascertain as to how many genuine Washermen/Rassiholders are affected by the Slum

Development Scheme. For gathering such information, the Municipal Corporation is directed to provide adequate assistance and information to the Advocate Commissioners. The officers of SRA shall also be under the obligation to provide all the help, cooperation and information to the Advocate Commissioners.

- ii) The Advocate Commissioners shall also ascertain the current position of payment of transit rent.
- iii) Each Advocate Commissioner shall be paid a fees of Rs.50,000/-. The fees to be paid to the Advocate Commissioners shall be deposited by Respondent No.6 before the Prothonotary and Senior Master of this Court by 30th November, 2023, which shall, in turn, be paid to the Advocate Commissioners.
- iv) The Slum Development Authority and Respondent No.6 shall file their affidavits giving details about the steps taken to fulfill their respective obligations in terms of the

minutes of meeting dated 25th May, 2016. In the affidavit to be filed under this order, the SRA and Respondent No.6 shall also state as to how and in what manner, the mechanized drying facility will be provided to the Washermen/Rassiholders in the building to be constructed under the scheme.

7. Stand over to 10th January, 2023.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)