

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8959 OF 2013**

Amin Vashim Beg	Petitioner.
Versus	
The State of Maharashtra	
Through Chief Secretary,	
Dept. of Housing and Ors.	...Respondents.

Mr. Pramod S. Kathane, advocate for the Petitioner.
Mr. Aditya Bapat, advocate for the respondent nos.1 to 3.

**CORAM : RANJIT MORE, J.
DATED : September 26, 2013.**

P.C.:

Heard.

2 Petitioner, in order to show that he is eligible for permanent alternative accommodation, relied upon Ration Card dated 20th July, 2000 and Electricity Bill for the month of November, 2005 before Deputy Collector. Deputy Collector in view of the negative report from the concerned department refused to rely upon these documents. This order is confirmed by the appellate authority under Section 35 of the Maharashtra Slum Areas (Improvement, Clearance And Redevelopment)

Act, 1971. Petitioner now relies upon birth certificate, which is annexed at page 28 (Ex.D) of this petition. Birth extracts show that petitioner's wife gave birth to his daughter Farhana on 6th December, 1998. Petitioner is shown as father of the said child. Petitioner's address is shown as wireless road, Juhu Galli, Andheri (West), Mumbai- 400 058. These documents fall within the description given by Government Resolution dated 14th May, 1998, which is at page 17 of this petition (Ex.A). Petitioner, however, could not produce this document before the lower authorities for verification.

3 Petitioner has explained the circumstances in which the this document could not be produced before the authorities below by making averments in this petition.

4 In the aforesaid facts and circumstances, in my view, interest of justice would be sub-served if the Competent Authority is directed to re-consider birth extracts of petitioner's daughter Farhana and pass fresh order.

5 **Petition accordingly, stands disposed of by passing the following order:**

- (i) Impugned orders dated 21st January, 2012 and 10th January, 2013 are quashed and set aside and the matter is remanded back to respondent no.3.
- (ii) Respondent no.3 shall pass fresh order after giving an opportunity of hearing to the petitioner and considering document annexed at page 28 (Ex.D) of this petition.
- (iii) During the pendency of fresh consideration by respondent no.3 of petitioner's entitlement to permanent alternative accommodation, petitioner shall not be evicted from permanent alternative accommodation, which is granted to him.
- (iv) Respondent no.3 shall decide petitioner's entitlement to permanent alternative accommodation within a period of three months from today.
- (v) In case, it is held that the petitioner is not entitled for permanent alternative accommodation in terms of relevant policy then, appropriate action can be taken against him including eviction.

(RANJIT MORE, J.)