

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.773 OF 2015
IN
WRIT PETITION NO.7780 OF 2014**

Aakubai Vithal Kamble and anr. : Applicants/Prop.Respondents.

In the matter between

**Rajesh Kachdey Pote : Petitioner
versus**

**Dy. Collector (Enc/Rem)
& Competent Authority, Bandra : Respondent.**

Mr. S S Redekar for the Applicants.

Mr. Balasaheb Ramchandra Deshmukh for the original Petitioner.

Mrs. M S Bane "B" Panel Counsel for the Respondent No.1.

CORAM : R. M. SAVANT, J.

DATE : 24th June 2015

P.C.

1 The above Civil Application has been filed by the Applicants above named seeking their intervention in the above Petition.

2 The original Petitioner has filed the above Petition challenging the orders passed under Sections 33 and 38 of the Slum Act. By the said orders, it is directed that the Petitioner be evicted from the premises in question which were allotted to his mother one Smt. Vijaya Shendge (Pote) by way of temporary alternate accommodation till the permanent alternate accommodation is made available to said Smt. Vijaya Shendge (Pote). The

premises occupied by the Petitioner were Shop No.2 in the Slum Rehabilitation Scheme in question. The said Shop No.2 has been allotted to the Applicants herein and the possession of the said Shop No.2 has been handed over to the Applicants on 5/1/2015 which is evidenced by the letter of the said date i.e. 5/1/2015 addressed by the developers one Sunrise Developers and Project Consultants to the Applicant No.1 Akkubai Vithal Kamble.

3 It is required to be noted that the Applicant was a party to an earlier Petition filed by the present Petitioner being Writ Petition No.9104 of 2011. The Applicant was arrayed as the Respondent No.7 to the said Petition. The said Petition involved the identical issue.

4 In the light of the above, any orders passed in the above Petition are likely to affect the Applicants as they can be said to be vitally interested in the subject matter of the above Petition in view of the fact that the orders have been passed directing the eviction of the Petitioner from the said Shop No.2. Hence the above Civil Application is allowed and made absolute in terms of prayer clause (a). Amendment to be carried out within one week from date. List the above Petition for admission on 8th July 2015. The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]