

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

WRIT PETITION (STAMP) NO.11069 OF 2015

Zulekha W/o Shafi Ibrahim Shaikh .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION (STAMP) NO.11070 OF 2015

Smt. Tanveer Jahan R. Khan .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION (STAMP) NO.11576 OF 2015

Mr. Rehan Khan Ali Raza

(Mr. Ekram Ali Khan) .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri. S. M. Sabrad a/w Yuvraj D. Patil, for the Petitioners.

Shri. Swapnil A. Waradkar, for the Respondent No.4.

Shri. Mayur Shanbhag, for the Respondent No.5.

Shri. S. D. Rayrikar, AGP for the Respondent Nos.1 to 3 (Writ Petition St. No.11576 of 2015).

Ms. M. S. Bane, 'B' Panel Counsel for Respondent Nos.1 to 3.

CORAM : R.M. SAVANT, J.

DATE : 21st APRIL, 2015

PC.

1. The above Petitions take exception to the order dated 13.04.2015 passed by the Additional Collector (Encroachment/Eviction), Mumbai Suburban District, by the said orders the Appeals filed by the each of the Petitioners against the eviction orders passed against them came to be dismissed. The Petitioners are the slum dwellers and claim to be occupation of the structures, wherein a Slum Rehabilitation Scheme is being implemented. In so far as Annexure-II, which is prepared for identifying ineligible slum dwellers is concerned, the names of the Petitioners are appearing, but they are held to be ineligible. Against their being declared ineligible in Annexure-II, the Petitioners have filed an Appeal before the Competent Authority of the Slum Rehabilitation Authority. The said Appeals are pending.

2. The Learned Counsel appearing for the Petitioners Shri. S. M. Sabrad on instructions of the Petitioners states that the Petitioners would vacate the structures in question, if the Petitioners are either paid the amount by way of rent or are provided with transit accommodation. Upon this, the Learned Counsel Shri. Swapnil Waradkar appearing for Respondent No.4 developer states that all the occupants have been offered Rs.7,000/- per month as rent, so that they can provide for their accommodation pending the implementation of the Slum Rehabilitation

Scheme subject to their eligibility and that the Respondent No.4 has not provided transit accommodation to any occupant. The Learned Counsel further states that the Respondent No.4 in so far as the Petitioners are concerned would pay in advance the rent for six months i.e. Rs.42,000/- to each of the Petitioners. The Learned Counsel appearing for the Petitioners Shri. S. M. Sabrad states that the said amount is less in the context of obtaining alternate accommodation. In so far as the said amount of Rs.7,000/- is concerned, it seems that the said amount is offered to all the occupants, and the society of the slum dwellers i.e. Respondent No.5 also passed a resolution accepting the said amount being offered to its members. In the light of the facts, it is not possible to accept the contention of the Learned Counsel for the Petitioners that the said amount is less and that the Petitioners be paid more per month for making their own accommodation. The Learned Counsel for the Petitioners upon this, fairly states that the Petitioners would accept the said amount paid for six months i.e. Rs.42,000/- each. The statement made by the Learned Counsel appearing for the Respondent No.4 that the Respondent No.4 would pay the amount for six months in lump sum is accepted as also the statement made on behalf of the Learned Counsel appearing for the Petitioners that the said amount would be accepted by the petitioners and that the Petitioners would vacate the premises in question simultaneously.

The Learned Counsel for the Petitioners states that the Petitioners would vacate within three weeks from date. The Learned Counsel for the Respondent No.4 Shri. Swapnil Waradkar states that within one week the said amount would be paid by the Respondent No.4 to the Petitioners. The Petitioners undertake to this Court to vacate the premises at the end of the three weeks period. It is clarified that the Petitioners would not apply for extension of time nor any extension of time would be granted by this Court.

3. Since the Appeals in respect of the eligibility of the Petitioners are pending before the Slum Rehabilitation Authority, the concerned officer of the Slum Rehabilitation Authority before whom the Appeals are pending is directed to hear and decide the same latest by 31st June, 2015. With the aforesaid directions, the Writ Petitions are disposed of.

[R.M. SAVANT, J]