

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION STAMP NO.14725 OF 2015**

Smt. Kalawati Ganpat Parte : **Petitioner.**
Versus
High Power Committee
Govt. of Maharashtra and ors. : **Respondents.**

Mr. S M Shah for the Petitioner.
Mr. J G Reddy for the Respondent Nos.1 and 3.
Mrs. V S Nimbalkar, AGP for the Respondent Nos.2 and 7.
Ms. Pallavi Thakkar for the Respondent No.4.
Mr. Bhavi Manek a/w Mr. Kausar Banatwala i/by Mr. T A Goradia for the Respondent No.6.

CORAM : R. M. SAVANT, J.
DATE : 18th June 2015

P.C.

1 The order passed by the Additional Collector, Eastern Suburbs, Mumbai rejecting the Appeal filed by the Petitioner under Section 35 of the Slum Act is taken exception to by way of the above Writ Petition. By the said order the eviction order passed against the Petitioner under Section 33 of the Slum Act came to be confirmed. This is in respect of the eviction of the Petitioner from the site in question.

2 In so far as the eligibility of the Petitioner for the permanent alternate accommodation is concerned, the Petitioner has filed an Appeal before the Respondent No.2 i.e. the Additional Collector, Eastern Suburbs, Mumbai on 5/4/2014. In so far as the husband of the Petitioner is concerned, it appears that he has been held entitled to the premises for residential user as

and by way of permanent alternate accommodation i.e. he is held to be eligible. However, the husband of the Petitioner has a grievance in respect of his eligibility for residential user and has therefore filed an Appeal before the High Power Committee i.e. the Respondent No.1 seeking allotment of commercial premises as and by way of permanent alternate accommodation. Both the Appeals are admittedly pending before the two authorities. Since the liability of the developer is to pay the compensation till the permanent alternate accommodation is made available or till the eligibility is decided, there is some urgency in directing the authorities to decide the Appeals. Hence without interfering with the impugned order passed by the Additional Collector, Eastern Suburbs, Mumbai rejecting the Appeal filed by the Petitioner under Section 38 but by issuing directions to the Respondent Nos.1 and 2 to hear and decide the said Appeals within three months from date, the above Petition is disposed of.

3 The learned counsel for the Respondent No.6 i.e. the developer hands over a cheque for the sum of Rs.1,32,000/- i.e. the rent payable for 11 months to the Petitioner. The learned counsel for the Respondent No.6 further assures this Court that the said cheque would be encashed. The learned counsel appearing for the Petitioner Shri Shah accepts the said cheque on behalf of the Petitioner.

[R.M.SAVANT, J]