

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

WRIT PETITION (STAMP) NO.16898 OF 2015

Mr. Ashok Tukaram Thorat and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Shri. Vijay S. Gaikwad, for the Petitioners.

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

**Shri. Pravinkumar Samdhani, Senior Counsel a/w Shri. Ajay S. Patil,
for the Respondent No.4.**

**Shri. D. S. Sakhalkar i/by Shri. Pritesh D. Patel, for the Respondent
No.5.**

Shri. Shankar P. Thorat, for the Respondent No.6.

CORAM : R.M. SAVANT, J.

DATE : 3rd JULY, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 27.05.2015 passed by the Additional Collector (Encroachment/Removal), Eastern Suburbs, by which order the Appeal filed by the Petitioners under Section 35 of the Slum Act came to be dismissed and resultantly the order dated 01.04.2015 passed by the Deputy Collector and Competent Authority (Encroachment/Removal) under Section 33 of the said Act came to be confirmed. The said proceedings under Section 33 of the Slum Act were required to be

initiated in view of the continuance of the Petitioners on the site in question, wherein a slum scheme is being implemented. The Petitioners are eligible slum dwellers who are entitled to the allotment of permanent alternate accommodation. It has come on record that Petitioners have all been offered temporary alternate accommodation which is reflected in the notice dated 26.06.2015 wherein the numbers of the premises which have been offered to the Petitioners are mentioned. The Learned Senior Counsel appearing for the Respondent No.4 builder as well as the Learned Counsel for the Respondent No.5 society of the slum dwellers make a statement, the same premises as are shown in the notice dated 26.06.2015 would be made available to the Petitioners. In so far as the agreement in respect of the permanent alternate accommodation is concerned, the Learned Senior Counsel Shri. Pravinkumar Samdhani states that the same would be executed after the drawal of lots in respect of the allotment of permanent alternate accommodation is made, as the number of the building/tenement has to be incorporated in the said agreement. It is required to be noted that about 1200 slum dwellers have already vacated their premises and temporary alternate accommodation has been provided to them. In my view, in the light of the aforesaid where arrangements have already been made for the Petitioners by way of temporary alternate accommodation till the permanent alternate accommodation is made

available, the order passed by the Competent Authority directing the eviction of the Petitioners as confirmed by the Appellate Authority does not merit any interference at the hands of this Court under Article 227 of the Constitution of India. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]