

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

WRIT PETITION NO.7069 OF 2012

Sanjay Shashikant Desai .. Petitioner.
Vs.
The State of Maharashtra & Ors. .. Respondents.

Mr.R.V. Bansode for the Petitioner.
Mrs.M.P. Thakur AGP for Respondent No.1.
Mr.A.A. Garge for Respondent Nos.2 and 5.
Ms.Shyamali Gadre for Ankit Kulkarni i/b M/s.Little & Co. for
Respondent Nos.3 and 4.

CORAM : A.S. OKA & A.K. MENON, JJ.

DATED : 20TH JANUARY, 2015

P.C.

1. Heard learned counsel appearing for the petitioner and the learned counsel appearing for the Respondent Nos.3 and 4 as well as the learned counsel appearing for Respondent No.2. The learned AGP represents the State.

2. Learned counsel appearing for the petitioner states that the petitioner is ready and willing to produce the original documents which are marked in the letter dated 24th September, 2010 (Exhibit-M to the petition) for perusal of the appropriate officer of the Maharashtra Industrial Development Corporation (for short "MIDC"). The learned counsel appearing for the third and fourth respondents states that the petitioner should produce the said documents before

Shri Avinash Mali, Deputy Engineer and the Special Planning Officer of MIDC. The learned counsel states after verification of the documents, the said officer will determine the issue of eligibility of the petitioner to get benefits under the Slum Rehabilitation Scheme submitted by the MIDC to the State Government. The learned counsel appearing for the third and fourth respondents states that the scheme is pending before the State Government for approval.

3. In view of the aforesaid statements, we dispose of the petition in the following terms :

(i) We direct the petitioner to appear before Shri Avinash Mali, Deputy Engineer and Special Planning Officer of the MIDC on 30th January, 2015, at 11 am. The petitioner shall produce the documents before Shri Mali as stated above. After considering the documents, the issue of eligibility of the petitioner for grant of benefits under the Slum Rehabilitation Scheme of the MIDC which is pending before the State Government shall be decided by the said officer. The order passed by the said officer be communicated to the petitioner;

(ii) Till the date of communication of the order to the petitioner, the ad-interim relief granted by this Court on 10th August, 2012 will continue to operate. If the officer finds that the petitioner is ineligible, the ad-interim relief granted will continue for further period of four weeks from the date of the receipt of communication of

the order by the petitioner;

(iii) On failure of the petitioner to produce the original documents on the date fixed as above or within a period of one week from the said date, the protection granted as above shall cease to apply and it shall be open for the MIDC to take action in accordance with law;

(iv) We make it clear that we have not made any adjudication on the eligibility of the petitioner;

(v) The petition is disposed of on above terms.

(A.K. MENON, J.)

(A.S. OKA, J.)