

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

CIVIL APPLICATION NO. 2453 OF 2015

IN

WRIT PETITION NO.8353 OF 2015

Mr. Pramodkumar Umashankar Barnval and others .. Applicants

IN THE MATTER BEWTEEN

Mr. Pramodkumar Umashankar Barnval and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

WITH

CIVIL APPLICATION NO. 2454 OF 2015

IN

WRIT PETITION NO.8354 OF 2015

Mrs. Sunita Nandgaokar and others .. Applicants

IN THE MATTER BEWTEEN

Mrs. Sunita Nandgaokar and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Ms. Arka Navle i/by Ms. Purvi Shah, for the Applicants.

Ms. M. S. Bane, "B" Panel Counsel for the Respondent Nos.1 to 4.

Mr. G. B. Walawalkar i/by Mr. S. P Thorat, for the Respondent No.5.

Mr. S. G. Surana i/by Mr. Y. D. Bandal, for the Respondent No.7.

CORAM : R.M. SAVANT, J.

DATE : 25th AUGUST, 2015

P.C.

1. Not on board. Since the Regular Court is not available today, mentioned for extension of time.

2. The above Civil Applications have been filed by some of the original Petitioners seeking extension of time to vacate the structures in question for which time expires today i.e. 25.08.2015. The said time to vacate the structures was stipulated by the order dated 10.08.2015 passed in the above Petitions disposing of the said Petitions. The statement made on behalf of the Developer i.e. Respondent No.7 has been recorded in the said order dated 10.08.2015. The statement is to the effect that the Respondent No.7 would pay the Petitioners/Applicants including the ineligible Petitioners/Applicants an amount of Rs.77,000/- for the period of 11 months so as to enable them to make temporary alternate accommodation for their residence till permanent accommodation is ready. In so far as the ineligible Petitioners are concerned, the statement is to the effect that though the said Petitioners would be paid an amount of Rs.77,000/-, the same would be for the period of 11 months or their eligibility is decided. In the order dated 10.08.2015, direction has been issued to the Competent Authority i.e. the Deputy Collector (Encroachment/Removal), Mumbai Western Suburb to consider the

applications filed by the Petitioners/Applicants who are held to be ineligible latest by 31.10.2015.

3. The Learned Counsel appearing for the Respondent No.7/Developer Mr. S. G. Surana points out to this Court that though the order has been passed as long back as on 10.08.2015, none of the Petitioners/Applicants have approached the Respondent No.7 for accepting the said amount of Rs.77,000/-. It appears that pursuant to the impugned order, the Petitioners have not taken any steps either for accepting the amount of Rs.77,000/- offered by the Respondent No.7 or making alternate arrangements for their residence. The Petitioners/Applicants seem to be only interested in seeing to it that they continue on the site in question and thereby impede the implementation of the Slum Rehabilitation Scheme. It is required to be noted that about 300 slum dwellers have vacated the structures in question out of the 331 who are on the site in question. It is in the said context that having regard to the interest of the large number of slum dwellers who have already vacated their structures, this Court had stipulated the time up to today i.e. 25.08.2015 to vacate the structures in question. However, the instant application is moved at the last moment. In my view, as and by way of final indulgence the time to vacate structures in question is extended up to 15.09.2015. It is made clear that no further extension would be granted,

as though the Respondent No.7 is ready to pay an amount of Rs.77,000/- to the Petitioners/Applicants, for the reasons best known to them they have not availed of the same. In the event, the Petitioners/Applicants do not vacate the structures in question by 15.09.2015, then the Authorities would be free to execute the notice issued to the Petitioners so as to evict the Petitioners. The Civil Applications are accordingly disposed of.

[R.M. SAVANT, J]