

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

WRIT PETITION NO.9089 OF 2014

**Santosh Shantaram More
(In Annexure II name Bhanudas
Pandurang thorat**

: Petitioner

versus

**The Chief Officer & Competent
Authority, Mumbai Board
MHADA and ors.**

: Respondents.

Mr. S S Redekar for the Petitioner.

**Mr. C M Lokesh a/w Ms. Vaibhavi Gole i/by A R Bhole & Co. for the
Respondent No.1.**

Mr. S M Suryawanshi for the Respondent No.2 and 3.

CORAM : R. M. SAVANT, J.

DATE : 17th July 2015

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 15/9/2014 passed by the Additional Collector (Encroachment/Removal) Eastern Suburbs, Mumbai by which order the Appeal filed by the Petitioner came to be dismissed and resultantly the order dated 15/2/2014 passed by the competent authority i.e. the Chief Officer, MHADA came to be confirmed.

2 The Petitioner has his structure on the plot of land on which a slum rehabilitation scheme is being implemented. Since the Petitioner has failed to vacate the structure in spite of the notice under Section 33 of the Slum Act, that the proceedings commenced against the Petitioner resulting in

eviction order dated 15/2/2014 being passed by the Competent Authority. The said order has been confirmed by the impugned order passed by the Appellate Authority.

3 The learned counsel appearing on behalf of the Petitioner Shri S S Redekar on instructions of the Petitioner who is personally present in Court today states that the Petitioner has no objection to accept the temporary transit accommodation offered by the Respondent No.3 and vacate the premises in question. Upon this the learned counsel appearing for the Respondent Nos.2 and 3 Shri Suryawanshi states that the Petitioner would be allotted Flat No.503, C Wing on the 5th floor of rehab building as temporary transit accommodation till the Petitioner's eligibility for permanent alternate accommodation is decided. The learned counsel for the petitioner on instructions of the Petitioner states that he has no objection to accept the said flat No.503 as temporary transit accommodation. He however states that he has purchased the structure in question from the original occupant one Shri Bhanudas Pandurang Thorat and in view of the government policy he would be entitled to allotment of permanent alternate accommodation. It is not necessary for this Court to go into the said aspect as the Petitioner would have to prove his eligibility before the competent authority. However, in view of the fact that the Respondent No.3 developer has offered Flat No.503 as temporary transit accommodation which is acceptable to the Petitioner, there is no

warrant to keep the above Petition pending. The Petitioner is ready to hand over the possession of the premises in question latest by 21st July 2015. The flat No.503 would be given possession by the Respondent No.3 after the panchanama of the structure having been demolished is recorded. In so far as the Appeal in respect of eligibility of the Petitioner is concerned, the same to be decided by the Competent Authority of the MHADA within 8 weeks from date. The Petitioner undertakes to vacate the temporary transit accommodation in the event he is declared ineligible by the competent authority, subject to further challenges. With the aforesaid directions, the above Writ Petition is disposed of.

[R.M.SAVANT, J]