

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1146 OF 2015

Noor Ahmad Rehman Shaikh .. Petitioner
vs.
Slum Rehabilitation Authority & Ors. .. Respondents

Mr. S. M. Shah for Petitioner.

Ms Geetanjali Golatkar i/b. Mr. D. A. Nalawade for Respondent No. 1 (SRA).

Ms Vaishali Nimbalkar - AGP for Respondent Nos. 2 and 3.

Mr. Vishal Kanade with Tanmayee Salekar i/b. M/s. Shah & Sanghavi for Respondent No. 5.

CORAM : M. S. SONAK, J.
DATE: 05 MARCH 2015

P.C. :-

1] For the reasons set out in the judgment and order dated 5 March 2015 in writ petition no. 1143 of 2015, there is no necessity to grant any reliefs to the petitioner in this matter, other than reliefs referred to hereafter.

2] It is the case of the petitioner that his father has been declared as eligible. However, his father is no longer living. The Authorities refused to regard the petitioner as eligible, on the ground that the petitioner has not produced a Succession Certificate.

3] The learned counsel for the petitioner placed reliance upon the circular no. 139 dated 18 September 2012, which prescribes the manner in which such cases have to be dealt with. The learned

counsel points out that the Authorities, in deciding the issue of eligibility of the petitioner, have completely ignored the said circular.

4] In this view of the matter, although the impugned orders are not being interfered with, it is directed that the respondent no. 5, will pay to the petitioner, without prejudice, compensation in lieu of alternate accommodation provisionally. The petitioner shall furnish an indemnity bond to the respondent no. 5, indemnifying them from any claims from other persons claiming competing interest.

5] Further, the Authorities i.e. the respondent no. 1 to reconsider the matter of eligibility of the petitioner, in the light of circular no. 139 dated 18 September 2012. The payment of compensation by the respondent no. 5 shall abide by the orders that may be ultimately made by the respondent no. 1.

6] With the aforesaid observations, this petition is disposed of. It is made clear that the orders impugned in this petition have not been set aside. However, any observations in the said orders, with regard to the eligibility of the petitioner shall be ignored by the respondent no. 1 at the stage of reconsideration of the issue relating to the petitioner's eligibility.