

Anilkumar Krishnavallabh Karan } **Petitioner**
versus
State of Maharashtra and Ors. } **Respondents**

J. V. Salunke, PA

2) From the tenor of the order passed by this Court, it is apparent that the Petitioner is claiming that he is eligible for benefit of Slum Rehabilitation Scheme on a plot of land, more particularly described in the Petition in para No. 1 and located at Bandara (W), Mumbai. The Petitioner claims that the cut off date in this case has been determined as 1st January, 1995. The Petitioner satisfies the eligibility criteria, namely, both, a structure was existing on this date and secondly the Petitioner was in occupation thereof. However, Whether he is eligible or not cannot be decided by the Petitioner but the competent authority.

3) The Petitioner's name must find a place in the list of occupants and which is prepared after a survey. The Petitioner claims that though eligible, the Deputy Collector and the Collector of the concerned suburban district have omitted him from this list of occupants.

4) The competent authority is thus not the Slum Rehabilitation Authority but this Deputy Collector/Collector. The application ought to have been made over to him. It appears that there is some communication gap or lack of coordination between the Slum Rehabilitation Authority and this collectorate. All this has resulted in the Petitioner's grievance being not attended to nor redressed for more

than 10 years. These are not happy state of affairs and after this Court has issued a mandatory order and direction. In the circumstances, we would direct the Petitioner to appear before the Deputy Collector (Encroachment and Removal) having his office at the address mentioned in the cause title (Respondent No. 4) with all documents and proofs to establish the existence of the structure and his occupation prior to the cut off date. Let the Petitioner appear before him on 7th August, 2015. The Deputy Collector (Encroachment and Removal) shall not raise a defence that the records before him are either not available or the Petitioner's application is not traceable or that the same is incomplete. Let him consider the request of the Petitioner and on the basis of the facts narrated in the Writ Petition. The Writ Petition itself be treated as such application, but the Petitioner will have to produce the necessary evidence. Thereafter, the authority will pass an order as expeditiously as possible and in any event before 31st August, 2015. Depending upon the order, the Petitioner can workout his rights and further. In the event the Petitioner is held eligible, the Slum Rehabilitation Authority shall ensure that in the ongoing scheme for rehabilitation of slum dwellers, if any, on the subject plot, the Petitioner is allotted a tenement for either residence or commercial user depending upon his eligibility. This shall be done within a period of four weeks from the date of communication of the order to be passed by

the Deputy Collector. If the scheme is complete on the subject plot, the Petitioner's name shall be included as project affected person and he should be accommodated in some other scheme of Slum Rehabilitation on the adjoining plots or in the vicinity. All documents relating to above shall be executed by the Petitioner and the authority, of course with the Petitioner's co-operation.

5) With the aforesaid directions, the Writ Petition is disposed of.

(G.S.KULKARNI, J.)

(S.C.DHARMADHIKARI, J.)