

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.384 OF 2013
WITH
CHAMBER SUMMONS NO.34 OF 2014

Samir S. Borondkar and others	... Petitioners
v/s	
The State of Maharashtra and others	... Respondents

Ms Sharmila U. Deshmukh for Petitioners.
Mr D.A. Nalawade, GP for Respondent Nos.1 and 2.
Ms Kiran Bagalia i/b Mrs Chitra Phadke for Respondent No.3.

**CORAM: S.C. DHARMADHIKARI &
B.P. COLABAWALLA JJ.**

DATE : 20TH OCTOBER 2015

P.C. :-

1. This Writ Petition was before us on earlier occasion and at the request of Ms Deshmukh, we adjourned it but placed under the caption "For Dismissal" simply because we find that it has appeared on several occasions under the same caption but for some reason or the other adjourned from time to time.

2. In the meanwhile, on the own showing of the Petitioners, several events have taken place. Those events are set out in the affidavit in reply of the Respondent No.3 and the additional affidavit in reply.

3. We have also found that based on the statements made in this behalf, the Petitioners have moved a Chamber Summons. That was to amend the Petition.

4. In the affidavit in support of this Chamber Summons, it is stated on oath that the land notified for the project was in possession of the Petitioners but subsequent to filing of the Petition, the said land was acquired by the Respondents. The Petitioners claim that the Respondents were bound to provide alternate residential accommodation. There was some temporary arrangement made but the claim of the Petitioners that they are eligible and entitled for permanent alternate accommodation is not granted. This is not an admitted factual position and the Petitioners themselves point out the nature of the complaints that have been made to the Municipal

and other authorities. There has been also a further proceeding by way of Notice of Motion.

5. In the light of the above materials, we find that there are disputed questions of fact. If the project had been implemented but without protecting the entitlement of the Petitioner, then it would be open to the Petitioners to adopt such remedies as are permissible in law to enforce their right if any. In the light of the material and on account of which disputed questions of fact are raised, it is not possible to grant any relief in our limited jurisdiction. Granting liberty to the Petitioners to resort to such remedies for redressal of their grievance, we dispose off this Petition. chamber Summons is also disposed off.

(B.P. COLABAWALLA, J.)

(S.C.DHARMADHIKARI J.)