

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.835 OF 2015

Farook Abdul Sorathiya

..... Petitioner

V/s

The State of Maharashtra & Ors.

..... Respondents

Mr. Pramod G. Kathane for Petitioner.

Mr. R.J. Mane, AGP for the Respondent Nos.1 to 3 - State.

Mr. R.A. Thorat, Senior Advocate i/b Mr. Pradeep J. Thorat for Respondent No.4.

Mr. S.G. Surana i/b Mr. M.S. Surana for Respondent No.5.

CORAM : A.A. SAYED, J.
DATED : 26 MARCH 2015

P.C.

Learned Counsel for the Petitioner, learned Counsel for the Respondent No.4 and learned Counsel for the Respondent No.5 are agreed to the following order being passed:

- a) Without prejudice to the contentions of the parties, the Petitioner is permitted to approach the Respondent No.3 again for eligibility and inclusion of his name in Annexure II and the Petitioner shall file a fresh Application for his eligibility with Respondent No.3 within one week from today along with all necessary documents. The Respondent No.3 shall decide the Petitioner's Application afresh for eligibility as early as possible and

in any event within three months from today without being influenced by the earlier notices/orders passed by the Authorities and notwithstanding that at the relevant time when the survey was carried out by the Respondent Nos.4 and 5, the Petitioner's structure was not shown in Annexure II.

b) In the event the Petitioner is held eligible by the Respondent No.3, the Respondent Nos. 4 and 5 shall enter into an Agreement with the Petitioner and grant other benefits which are given to the other eligible occupants in the present Slum Rehabilitation Scheme within three weeks thereof.

c) The statement of Respondent No.4 is recorded through the learned Senior Counsel that the Respondent No.4 shall provide rent/compensation to the Petitioner at the rate of Rs.9,000/- per month (as against handing over the possession of the structure) for a period of six months in spite the fact that the name of the Petitioner is not appearing in Annexure II and only for the reason that the structure occupied by the Petitioner is hampering the implementation of the Slum Rehabilitation Scheme. It will be open for the Petitioner to apply to SRA for increase in rent after he is held eligible.

d) In the event the Petitioner is held eligible, Respondent No.4 shall continue to pay the rent/compensation in respect of the temporary transit accommodation.

e) In view of the above, the Petitioner undertakes to vacate the structure and hand over possession of the same to the Respondent No.4 on behalf of the Respondent No.5 Society on or before 3 April 2015.

2 The Writ Petition is disposed of in the aforesaid terms. Liberty to apply. It is clarified that this order has been passed in the peculiar facts and circumstances of the case and shall not be a precedent.

(A.A. SAYED, J.)

katkam