

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
 WRIT PETITION NO.2710 OF 2014

Dipnarayan J. Pal		...Petitioner
v/s.		
The State of Maharashtra & ors.		...Respondents

WITH
 WRIT PETITION NO.2553 OF 2014

Bansidhar R. Yadav	...	...Petitioner
v/s.		
The State of Maharashtra & ors.		...Respondents

...

Mr.M.M.Kale for the Petitioner in WP No.2710 of 2014.
 Mr.Yogesh Sankpal with M.M.Kale for the Petitioner in WP No.2553 of 2014.
 Mr.J.S.Saluja AGP for the State.
 Mr.Vijay D. Patil for Respondent No.4-SRA.
 Mr.S.U.Kamdar, Sr.Counsel with Mr.K.R.Yadav for Respondent No.7.
 Mrs.H.Y.Shah, AGP for State.

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CORAM : A.A. SAYED, J.

DATED : 23 JANUARY 2015

P.C.

This order is being passed by consent of learned Counsel for the parties.

- (i) The Deputy Collector (E & R), Andheri, who is the Competent Authority under the Slum Act shall re-verify the eligibility of the Petitioners on or before 9 February 2015, without being influenced by the earlier orders of all Authorities and High Power Committee.

(ii) The Petitioners shall appear before the Deputy Collector (E & R), Andheri on 29 January 2015 at 11 a.m. with all relevant documents. The Petitioners shall in no circumstances seek an adjournment.

(iii) The Petitioners shall irrespective of the decision on their eligibility (which may go in favour or against the Petitioners) vacate their respective structures on or before 11 February 2015. A written undertaking to this effect shall be filed in this Court by the Petitioners(who are present in the Court) during the course of the day.

(iv) In the event the Petitioners are held eligible by the Deputy Collector (E & R), Andheri, the Respondent No.7-Developer shall hand over alternate accommodations to the Petitioners before 11 February 2015. The Respondent No.7-Developer shall file an undertaking in this Court during the course of the day through its partner Shri Ajay Kamdar, (who is present in the Court) that in the event the Petitioners are held eligible by the Deputy Collector (E & R), Andheri, they shall hand over possession of alternate accommodations to the Petitioner before 11 February 2015.

(v) In the event the Petitioners are held non-eligible, the Petitioners shall nevertheless vacate the premises on or before 11 February 2015. In other words even if the remedy to file an Appeal is available, the Petitioners shall first vacate their structures.

(vi) In the event the Petitioners do not appear before the Deputy Collector (E & R), Andheri or the Petitioners do not vacate their structures despite the decision of the Deputy Collector (E & R) and despite the Respondent No.7-Developer offering them an alternate accommodations,(in the event they are held eligible) the Authorities shall be free to enforce the orders issued pursuant to section 33 and section 38 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.

(ix) The Petitions are disposed of. Liberty to apply.

All concerned to act on authenticated copy of this order.

(A.A. SAYED, J.)

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