

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.2666 OF 2015**

Pyarelal Musai Gupta and others	... Petitioners
v/s	
Slum Rehabilitation authority and others	... Respondents

Mr Ram Mani Upadhyay for Petitioners.
Mr Jagdish G. Reddy (Aradwad) for Respondent Nos.1 to 4.
Mr Atul Singh for Respondent No.5.
Mr D.A. Nalawade, GP for Respondent No.6.

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

DATE : 21ST SEPTEMBER 2015

P.C.:-

1. After having heard Mr Upadhyay on two occasions, what we have found is that the Slum Rehabilitation Authority (SRA for short) in its affidavit in reply tendered today has assured the Court that steps have been taken to evict all unauthorised occupants of the rehabilitation buildings T-1 and T-2 and all 112 unauthorised occupants were evicted on 9th September 2015 and 10th September 2015. Thus, the impugned order has been implemented. There is

no dispute as far as this aspect is concerned.

2. Mr Upadhyay submits that the tenements have been allotted to the occupants in the transit buildings T-3, T-4 and T-5 as per lottery conducted on 10th August 2015. As far as the Petitioners are concerned, they are made to wait and none will be able to give clear assurance when they will be allotted tenements.

3. Upon this situation, our attention is invited to paragraph 11 of the affidavit in reply in which it is stated that 163 tenants are to be rehabilitated and keys have been handed over to 115 eligible slum dwellers.

4. On instructions, Mr Reddy states that even the present Petitioners will be given permanent alternate accommodation in the rehabilitation buildings which are constructed at site viz. Santacruz (West), Mumbai. It is only such of those Petitioners who are willing to shift to Chembur, they will be allotted permanent alternate accommodation at Chembur, Mumbai.

5. Mr Upadhyay, on instructions states that all the Petitioners desire to reside at Santacruz (West) and they have opted that site at Santacruz (West). Mr Reddy assures that 55 rehabilitation tenements are nearing completion at Lohia Nagar which is less than 1 km. distance from the transit buildings T-1 and T-2. The first 55 amongst the Petitioners would be allotted rehabilitation tenements as permanent alternate accommodation within two months from today. This statement made on instructions is accepted as an undertaking given to this Court.

6. As far as the balance Petitioners are concerned, they are temporarily located in transit accommodation styled as T-1 and T-2 and thereafter would be rehabilitated at Lohia Nagar viz. the same site as the first 55 tenants are accommodated, within 24 months from today. The second statement is also accepted as an undertaking given to this Court.

7. Mr Upadhyay submits that transit buildings T-1 and T-2

are not habitable. This condition is pathetic and there are criminal and civil proceedings pending against the concerned parties. Mr Reddy, after taking instructions from Mr Anil P. Dhiwal, Assistant Engineer, SRA, who is present in Court, states that the temporary alternate accommodation T-1 and T-2 would be brought in a habitable state by issuing directions to the developer to carry out such repairs and modification therein at the cost of the developer. That would be done by the developer or else SRA will take appropriate action in accordance with law and make these premises habitable for 57 petitioners. The necessary repairs will be carried out within a period of 15 days from the date of receipt of copy of this order. Mr Upadhyay states that the Petitioners (57 eligible slum dwellers) will shift to this transit accommodation with all their belongings and articles but without prejudice to their rights and contentions.

8. In light of the above, all proceedings including this Writ Petition are disposed off.

(B.P. COLABAWALLA, J.)

(S.C.DHARMADHIKARI J.)

CERTIFICATE

Certified to be true and correct copy of the original
signed order.