

3. The grievance of the Petitioner is that the structure at Sr.No.463 belongs to her and name of one Shri Shankar Jadhav has been wrongly shown in Annexure-II in respect of the said structure. The Petitioner has averred in the Petition that she has received a map, wherein her structure was shown in the vicinity of Panchasheel Co-op. Housing Society and Ekta Co-op. Housing Society. The Petitioner had made a complaint vide letter dated 30 October 2014, wherein she has stated that her structure falls within the boundaries of Panchasheel Co-op. Housing Society and Ekta Co-op. Housing Society and, therefore, requested the Respondent No.3 to resurvey the area including her structure.

4. In the affidavit-in-reply, Respondent No.2-Developer has stated that the Petitioner's structure falls in the New Gautam Nagar-1 Co-operative Housing Society, which is also slum area. The scheme submitted for redevelopment and approved by Respondents Nos. 3 & 4 does not cover the structure occupied by the Petitioner as the said structure is outside the scheme of Panchseel (Govandi) SRA Co-operative Housing Society Ltd. and Ekta (Govandi) SRA Co-operative Housing Society Ltd.

5. It is an apprehension of the Petitioner that in view of the excavation which is being carried out by Respondent No.2-Developer there may be damage to the structure of the Petitioner and her person and to the other occupants of the said structure.

6. Considering the fact that the Petitioner has an alternate remedy and since the learned Counsel for the Petitioner and learned Counsel for Respondent No.2-Developer are agreed, the following order is being passed, which in my view would meet the ends of justice:

(i) The Respondent No.2-Developer shall on or before 12 January 2015 hand over a cheque of Rs.1,50,000/- (Rupees One Lac & Fifty Thousand only) to the learned Counsel for the Petitioner favouring the Petitioner for the purpose of obtaining temporary alternate accommodation.

(ii) The Petitioner undertakes to vacate (alongwith her family members) her structure (admeasuring 13' x 5') on or before 13 January 2015 to facilitate the Respondent No.2-Developer from continuing the excavation works being carried without any obstruction.

(iii) Learned Counsel for the Respondent No.2-Developer, on instructions from Mr.Moosa Lakadawala, Director of Respondent No.2, makes a statement, which shall be treated as an undertaking, that the structure of the Petitioner shall not

be demolished and that the Petitioner shall be put back in possession of the structure on or before 30 April 2015, and that in case there is any damage to the structure the same shall be repaired to the satisfaction of the Petitioner.

(iv) The Petitioner shall be at liberty to avail of the alternate remedy to challenge the impugned order. If such Appeal is filed, the Appellate Authority shall decide the same on its own merits and in accordance with law and without being influenced by the present order.

7. The Petition is disposed of in the aforesaid terms. Liberty to apply.

(A.A. SAYED, J.)

kambli