

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

WRIT PETITION NO.2960/2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. V. S. Kapse i/b. N. S. Rajeshirke for the Petitioner

Mr. Nikhil Chavan i/b. V. B. Patil for Respondent No.2.

Mr. Shivanand Kanchge for Respondent Nos.12 to 25, 27 and 28.

Mr. Milind More, AGP for Respondent Nos.1 and 29.

CORAM : K. K. TATED, J.

DATE : DECEMBER 15, 2015

P.C.:

1. Heard. By this petition under Article 226 of the Constitution of India the Petitioner Developer is challenging the order dated 23/10/2015 passed by the Joint Registrar, Cooperative Societies, SRA directing the Petitioner to deposit the amount towards the rent payable to the eligible persons in SRA scheme, failing which a stop-work notice would be issued.

2. The learned counsel for the Petitioner submits that the Joint Registrar, SRA has no power to pass such order.

3. Without going to the merits of the matter, the learned counsel for the Petitioner submits that the Petitioner is ready and willing to deposit the entire amount due and payable to the eligible persons. He submits that the Petitioner is ready to deposit the entire amount in the office of Respondent No.2 SRA within 4 weeks from today. Once the amount is deposited within stipulated time as stated hereinabove, the competent authority of SRA to decide the eligibility of the Respondents for compensation and to pay the said amount to the eligible persons.

4. The learned counsel for the Petitioner submits that the Respondents are not cooperating in redevelopment scheme. Hence, they decided to take appropriate action under section 33 and 33A of the Slum Act.

5. Liberty granted to the Petitioner to take appropriate steps according to law.

6. With these submissions, following order is passed:

a. The Petitioner to deposit the entire amount as per order dated 23/10/2015 with Respondent No.2 SRA within 4 weeks from today.

- b. The competent authority of SRA to decide the eligibility of the Respondent for payment of compensation.
- c. Competent authority is entitled to release the said amount in favour of the eligible candidates as per their entitlement.
- d. The Petitioner is free to take action under section 33 and 33A of the Slum Act.
- e. Order dated 23/10/2015 passed by the Joint Registrar, Cooperative Societies, SRA is set aside.
- f. The Writ Petition stands disposed of accordingly.

JUDGE