

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.4312 OF 2015

**Shaikh Gani Shaikh Fakirsab and others Vs. Secretary,
Ministry of Housing and Urban Poverty Alleviation and
others.**

WITH

WRIT PETITION NO.4977 OF 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.S.R.Choukidar, advocate for the petitioners.
Mr.B.V.Virdhe, A.G.P. for the State.
Mr.S.B.Deshpande, A.S.G for Respondent No.1.
Mr.A.B.Kadethankar, advocate for Respondent No.3.
Mr.M.D.Narwadkar, advocate holding for
Mr.M.V.Deshpande, advocate for Respondent No.4.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**

Date : 21.09.2016.

PER COURT :

1. Heard.
2. The petitioners in these Writ Petitions claim to be the beneficiaries under the Jawaharlal Nehru National Urban Renewal Mission. Under the said scheme it was proposed to construct houses, more particularly, in slum areas. The scheme is basically meant for the persons belonging to the lower strata of the society. According to Mr.Choukidar, learned counsel for the petitioners, the petitioners in W.P.No.4977/2015 are seeking houses. The plots are

earmarked. Either fund is to be paid to the petitioners for construction of the houses or the same is required to get constructed by the Corporation through any other agency. According to the learned counsel, the petitioners in W.P.No.4312/2015 have been allotted houses admeasuring 300 Sq.fts. However, they are entitled for ground plus one floor. The petitioners therein have deposited the amount also. The Corporation has also accepted the factum that these petitioners are entitled for allotment of G+1 as the amount is accepted. The funds have been received by the Corporation from the Central Government but the petitioners herein are not allotted the houses of the first floor and only ground floor is allotted.

3. Mr.Deshpande, learned Asstt. Solicitor General submits that the funds have been allocated and disbursed to the Corporation for carrying out and implementing Jawaharlal Nehru National Urban Renewal Mission Scheme.

4. According to Mr.Kadethankar, learned counsel, the Maharashtra Housing and Area Development Authority is only a nodal agency and has no role in allotment and/or constructing the houses.

5. Mr.Narwadkar, learned counsel for Municipal Corporation submits that the Corporation has utilised the funds received from the Central Government while implementing the said scheme.

Initially, it was decided that there are only 617 beneficiaries and the work had commenced. Thereafter, 112 more applications are received. The total funds are exhausted. The family members of petitioners in W.P.No.4312/2015 are allotted the houses. Considering the fact that the funds are not available, it will not be possible to construct and allot first floor.

6. The dispute is about the utilisation of the funds which has been received from the Central Government for implementation of the laudable scheme for providing houses to the members of the lower strata of the society under Jawaharlal Nehru National Urban Renewal Mission. According to Central Government, the funds as required are allocated and disbursed to the Corporation. According to the Corporation, total funds received are utilised for Naye Abadi area i.e. the place where the petitioners in both these Writ Petitions are claiming to be the beneficiaries. It would be appropriate if the Superior Officer looks into the matter as it is a case of implementation of a welfare scheme meant for the socially and economically weaker sections of the society.

7. In light of the above, it would be appropriate to direct the petitioners to file an application with Superior authority i.e. the Secretary, Urban Development Department, Government of Maharashtra. If petitioners tender comprehensive representation to the aforesaid authority, the concerned Secretary himself or through

any other officer, shall cause an inquiry/investigation in the matter and after extending an opportunity of hearing to all the parties concerned, shall issue appropriate directions. Petitioners undertake to tender representation within a period of six weeks from today. On receipt of the representation, the Secretary himself or through any other delegated officer, may take appropriate decision in the matter within a period of four months from the date of receipt of representation.

8. With the directions as above, the Writ Petitions stand disposed of. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.21.09.2016.
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