

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1376 OF 2016

Mr. Shailendra Kumar Chohotelal Pal.] ... Petitioner

Versus

The State of Maharashtra, Through its]
Secretary, and Ors.] ... Respondents

Mr. Hemant P. Ghadigaonkar for Petitioner.

Mrs. M. S. Bane, 'B' Panel Counsel for Respondent Nos.1 and 2.

Mr. Sunil B. a/w Mr. Tushar Goradia & Mr. Chetan Kapadia i/b Legal
Pyramids for Respondent No.3.

CORAM :- M. S. SONAK, J.

DATE :- FEBRUARY 04, 2016

P. C. :-

1. The respondent no.3 has filed an affidavit dated 04/02/2016. The same is taken on record. The statements made therein by the respondent no.3 are accepted as statements made to this Court.

2. The petitioner and the respondent no.3 have handed in Minutes of Order. The same are taken on record.

3. Accordingly, it is directed that the petitioner shall vacate the hut in his possession for the purposes of demolition as per the notice dated 22/01/2016 (Exh.L to the petition) latest by 11/02/2016.

4. In case the petitioner does not vacate the hut, as agreed by him, latest by 11/02/2016, then without prejudice to the rights of any of the parties to seek action under the Contempt of Courts Act, 1971, the authorities shall be entitled to execute the demolition notice dated 22/01/2016, if necessary by taking police protection.

5. The petitioner has accepted two cheques of Rs.15,000/- (Rupees Fifteen Thousand Only) each and the petitioner shall not be liable to refund these amounts to the respondent no.3, even if the petitioner's appeal no.201 of 2013, presently pending before the Additional Collector, is decided against him.

6. The respondent no.3 shall pay compensation at the rate of Rs.15,000/- per month until the petitioner's appeal no.201 of 2013 pending before the Additional Collector on the issue of his eligibility is decided. There shall be no objection to this refund this amount, even if the appeal is decided against the petitioner.

7. The Additional Collector is directed to dispose of appeal no.201 of 2013 as expeditiously as possible and in any case, within a period of four months from today.

8. In case the petitioner is found to be eligible in pursuance of decision in appeal no.201 of 2013, the petitioner shall be entitled to and be handed all the benefits in accordance with law. The respondent no.3 shall then be obliged to pay the petitioner compensation in lieu of alternate accommodation as well as the permanent accommodation, as is available to all other eligible slum dwellers in terms of the scheme.

9. The arrangement between the parties is without prejudice to their respective rights and contentions. The parties state that they do not intend this arrangement to be treated as precedent.

10. The petitioner is permitted to file additional documents or raise additional contentions in appeal no.201 of 2013 pending with the Additional Collector. The petitioner shall do so latest before 18/02/2016.

11. The petitioner shall not delay the disposal of appeal no.201 of 2013 and shall proceed with the same with due dispatch.

12. The petition is disposed of in the aforesaid terms.

13. The petitioner to produce authenticated copy of this order before the Additional Collector on 16/02/2016 at 3.00 p.m.

14. All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)