

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7239 OF 2016

Shri. Ganpat Krishna Parte Petitioner

Vs.

Additional Collector (Ench./Rem.) Respondents
(M.S.D.) & Ors.

Mr. S.M. Shah, Advocate for the Petitioner.

Mrs. Vaishali Nimbalkar, AGP for the State

Mr. Sanjay Jain i/by Mr. Tushar A. Goradia, Advocate for
Respondent no.5.

Coram : **Smt. R.P. SondurBaldota, J.**

Date : 29th June, 2016

P.C.

1 The petitioner is occupant of Hut no.55, situate in a slum which is under the process of redevelopment. He is found to be eligible for allotment of premises in the redeveloped building. When he was called upon to vacate his hut, he refused and hence action under 33-38 of Maharashtra Slum (Improvement, Clearance & Redevelopment) Act, 1971 was initiated. The only contention taken up by the petitioner in the eviction proceedings before the Joint Collector was that respondent no.5 was being selective in demolishing of the structures and that the petitioner's structure

should be demolished alongwith the adjoining structures. Since the impugned order has taken care of this grievance and given appropriate directions in respect of the adjoining structures also. Since the order in effect grants the request of the petitioner, in fact there is nothing in the petition for consideration.

2 Mr. Shah, the learned advocate for the petitioner raises a new grievance during the course of arguments. He submits the petitioner ought to be given transit accommodation contending that he is being denied the transit accommodation. The occupant in SRA scheme is entitled to receive either the rent for the transit accommodation or the transit accommodation. He is not entitled to demand allotment of transit accommodation. Therefore, there cannot be any substance in that contention. Hence, the petition is dismissed.

(Smt. R.P. SondurBaldota, J)