

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.6856 OF 2016

Smt. Jhanvi Jitendra Patole

(CA of Mr. Jitendra Yeshwant Patole) and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

ALONGWITH

WRIT PETITION (STAMP) NO.6860 OF 2016

Mr. Gulab Badruprasad Kanojia

(CA of Badruprasad Kanojia) and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Mr. Y. D. Patil, for the Petitioners.

Mr. Vinod Mahadik a/w Mr. S. K. Sonawane, for the Respondent No.3.

Mr. S. R. Vyas, for the Respondent No.4.

Mr. Vivek Walawalkar i/by Diamondwala & Co., for the Respondent No.5.

CORAM : R.M. SAVANT, J.

DATE : 18th MARCH 2016

PC.

1. The above Petitions take exception to the order dated 02.03.2016 passed by the Appellate Authority i.e. Additional Collector, Mumbai, by which order, the Appeals filed by the Petitioners in each of the

above Petitions came to be dismissed and resultantly, the order dated 14.01.2016 passed by the Competent Authority i.e. Assistant Commissioner, 'G' South Ward, Municipal Corporation of Greater Mumbai, came to be confirmed.

2. The Petitioners in the above Petitions are similarly situated as the Petitioners in Writ Petition No.2830 of 2016. The said Petition was filed by about 35 Petitioners whose structures are also on the same land as the Petitioners herein which is part of the same Slum Redevelopment Scheme. The said Petition was dismissed by this Court by order dated 16.03.2016. This Court had upheld the order passed by the Appellate Authority who did not find any substance in the grievance of the Petitioners therein that they are not heard by the Competent Authority. The order passed in the said Petition would therefore have to be followed in the instant Petitions.

3. However, it is the contention of the Learned Counsel appearing on behalf of the Petitioners in both the Petitions Mr. Y. D. Patil that since about 90 slum dwellers have been issued notice and were directed to remain present before the Competent Authority that there was commotion in the office of the Competent Authority i.e. the Deputy Collector (Encroachment and Removal), Mumbai City. The Learned

Counsel also seeks to draw this Court's attention to a letter dated 14.12.2015 addressed by the Appellate Authority to the Assistant Commissioner, Municipal Corporation of Greater Mumbai i.e. Competent Authority, by which letter the Appellate Authority has directed the Competent Authority to give hearing to one Smt. Anita Sawant and twelve others as according to the Additional Collector, it was not proper to dispose of the matter by fixing the matter for hearing on one date. However, what is required to be noted in the instant case that the Additional Collector has observed that though the grievance of the Appellants i.e. the Petitioners herein was in respect of not being given an opportunity by the Appellate Authority during the course of the Appeals, the Appellants were not able to point out the nature of their exact grievance. The Appellate Authority has accordingly by the impugned order dated 02.03.2016 dismissed the Appeal.

4. It is required to be noted that the Petitioners are eligible slum dwellers and have to be provided permanent alternate accommodation in the slum redevelopment scheme. The Learned Counsel appearing on behalf of the Respondent No.5 Mr. Vivek Walawalkar states that the Petitioners would be paid with Rs.15,000/- as transit rent for residential purposes and Rs.20,000/- as transit rent for commercial premises which has been so stated in the affidavit in reply filed in the above Petitions. It is

also stated that there 1513 slum dwellers on the said plot out of which 1272 have been declared as eligible out of which 908 slum dwellers have vacated their structures and have shifted their own temporary accommodation and are awaiting to be accommodated in the rehab building. Amongst the Petitioners, the Petitioner Nos.1 to 4, 6 and 8 have accepted rent and have also signed agreements with the Respondent No.5. The Learned Counsel Mr. Vivek Walawalkar states that the same benefit would also be extended to the Petitioners. The Learned Counsel further states that it is after the allotment of the permanent alternate accommodation that the agreements would be registered with the concerned Sub Registrar. In my view, in the light of the aforesaid, no case for interference is made out. The Writ Petitions are accordingly dismissed.

[R.M. SAVANT, J]