

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4836 OF 2014

Vishal Mumbai Shikshan Prasarak Mandal .. Petitioner

Versus

Estate Manager, Goregaon

Maharashtra Housing and Area Development

Board and another .. Respondents

AND

CIVIL APPLICATION NO.570 OF 2016

IN

WRIT PETITION NO.4836 OF 2014

The Estate Manager, Goregaon

Mumbai Housing and Area Development Board .. Applicant

IN THE MATTER BETWEEN

Vishal Mumbai Shikshan Prasarak Mandal .. Petitioner

Versus

Estate Manager, Goregaon

Maharashtra Housing and Area Development

Board and another .. Respondents

Mrs. Sharmila U. Deshmukh, for the Respondent No.1 in Writ Petition
& for Applicant in Civil Application.

Mrs. M. S. Bane, "B" Panel Counsel for the Respondent No.2.

Mr. Kunal Bhanage, for the Petitioner in Writ Petition & for
Respondent in Civil Application.

CORAM : R.M. SAVANT, J.

DATE : 13th APRIL 2016

PC.

1. The above Writ Petition challenges the order dated 22.04.2014 passed by the Appellate Officer of the Maharashtra Housing and Area Development Authority (For short "MHADA"). By which order, the Appellate Authority has refused to stay the eviction order dated 13.03.2014 passed against the Petitioner. The above Petition is pending admission.

2. The above Civil Application No.570 of 2016 has been filed by the Respondent No.1 to the above Petition i.e. Estate Manager, Goregaon Mumbai Housing and Area Development Board which is a regional board of the MHADA. By the above Civil Application, the Applicant is seeking a direction against the original Petitioner that it be directed to shift to the temporary transit site as per plan annexed at Exh.B to the above Civil Application. In the said plan Exh.B, the site where the Petitioner is to be shifted is shown in pink colour and the existing site is shown in yellow colour. The Learned Counsel appearing on behalf of the original Petitioner i.e. Vishal Mumbai Shikshan Prasarak Mandal on instructions states that the Petitioner has no objection to shift to the site shown in pink colour on the plan Exh.B. The Learned Counsel appearing for the Applicant Mrs. Sharmila U. Deshmukh states that on the said site four rooms would be constructed for the Petitioner pending the consideration of its Appeal

before the Appellate Officer of the MHADA. Hence, accepting the statement made by the Learned Counsel for the original Petitioner and the Learned Counsel for the Applicant, the above Civil Application is disposed of. It is expected that the Applicant would construct the said four rooms prior to the academic year 2016 – 2017 starting and see to it that the four rooms that would be constructed would be suitable for running a school (Balwadi).

3. In so far as the above Petition is concerned, since the Petitioner is now to be shifted to the site shown in pink colour on the plan Exh.B, the Appellate Officer can be directed to dispose of the Appeal within a particular time frame so that the Petitioner knows it where stands in so far as the allotment of permanent alternate accommodation is concerned. The Appellate Officer, MHADA is accordingly directed to hear and decide the Appeal latest by 31.07.2016. The contentions of the Petitioner including the contention that it has already been declared eligible for permanent alternate accommodation is kept open for being urged before the Appellate Officer. In the light of the above, the above Petition as well as the above Civil Application to accordingly stand disposed of.

[R.M. SAVANT, J]