

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7419 OF 2015

Dharma Dondu Bharam and Others. ..Petitioners.
Versus
State of Maharashtra & Others. ..Respondents.

Mr. Rajendra Anbhule i/b Mr. Sudam Kale for the Petitioners.
Mr. A. B. Vaghyani, Government Pleader with Mr. V. B. Thadani for the State.
Mr. D. R. More for Respondent No. 2 to 4.
Mr. A. G. Damle, Senior Counsel with Mr. J. G. Reddy i/b A. B. Desai for Respondent No. 5.
Mr. P. P. Kulkarni for the Applicant in C.A. No. 1988 of 2015.

Coram : Ranjit More &
Dr. Shalini Phansalkar-Joshi, JJ.
Date : **March 11, 2016.**

P. C. :

1. Heard learned Counsel appearing for the respective parties. By this petition filed under Article 226 of the Constitution of India, the Petitioners have challenged the order dated 22nd May 2015 passed by the Dy. Chief Officer-cum-Competent Authority of SRA, Pune whereby Petitioner Nos.1 and 20 to 45 were directed to vacate the premises in their possession and move themselves to the transit accommodation. The Petitioners have also sought suspension of the entire slum rehabilitation scheme.

2. Admittedly, except Petitioner Nos.2 to 19, all other Petitioners have been held eligible for the permanent alternate accommodations as per the cut-off date laid down under the earlier policy of the State Government. In our view, therefore there is no justification for Petitioner Nos.1 and 20 to 45 for non shifting to the transit accommodation inasmuch as they will get permanent alternate accommodations in due course of time.

3. Mr. Dipak More, the learned Counsel appearing for the Respondent Nos. 2 to 4 submitted that Petitioner Nos. 4 and 16 never approached the Competent Authority for inclusion of their names in Annexure-II. He further submitted that insofar as Petitioner Nos.2, 3, 5 to 15, 17 & 19 are concerned, they were not held eligible for the permanent alternate accommodations and therefore their names are not included in Annexure-II; however, the policy of the Government has in the meanwhile undergone a change and now the cut-off date is 1st January 2000, which was earlier 1st January 1995. There is no dispute that these persons have preferred fresh applications to consider their eligibility to get permanent alternate accommodations and these applications are pending before the Competent Authority. Mr. More, Counsel appearing for Respondent Nos.2 to 4 submitted

that eligibility applications of these persons would be decided within the period of four weeks from today. Statement is accepted. It is pertinent to note that as on today, no notice of eviction is issued to these Petitioners.

4. Be that as it may, it is clear from the record that about 16 months back 40 tenants have vacated the tenements on the subject land and shifted to the temporary transit accommodation. Therefore, granting any relief as claimed by the Petitioners will certainly prejudice those persons.

5. Learned Counsel appearing for the Petitioner submitted that the clearance order issued in the present matter is subject matter of challenge in an appeal before the Slum Tribunal and on this ground the entire scheme deserves to be put under suspension. We do not find any merit in the submission inasmuch as the Petitioner had filed stay application before the Slum Tribunal and the same was dismissed by the Tribunal on 7th March 2015 by passing a speaking order.

6. In the aforesaid facts and circumstances we are not inclined to entertain this writ petition and the same is, therefore,

dismissed. Needless to state that interim stay stands vacated.

7. In view of the disposal of main writ petition, applications taken out in the writ petition do not survive and the same are accordingly disposed of.

[Dr. (Smt.) S. S. Phansalkar-Joshi, J.]

[RANJIT MORE, J.]