

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6446 OF 2016

1. Suryakant Dwarkanath Narvekar

and 17 Ors.

.....Petitioners

V/s.

1. The State of Maharashtra & 4 Ors.

.....Respondents

* * * * *

Mr. Sachin M. Bandkar, Advocate for the petitioners.

Ms. V.S. Nimbalkar, AGP for respondents no.1 to 3.

Mr. Sanjay Jain a/w. Mr. Sunil Badsiwai a/w. Mr. Tushar Goradia
i/by. Legal Pyramids, Advocate for respondent no.4.

CORAM :- SMT. R.P. SONDURBALDOTA, J.

DATED :- 15TH JUNE, 2016.

P.C. :-

1). The 18 petitioners herein challenge the order dated 3rd March, 2016 passed by respondent no.2 under Sections 33 and 38 of the Maharashtra Slum Areas (Improvement, Clearance And Redevelopment) Act, 1971 and the order dated 25th May, 2016 passed by respondent no.3 in the appeal preferred against the order

passed by respondent no.2. By the impugned orders, the petitioners have been directed to vacate the premises in their possession for the purpose of redevelopment of the property. Mr. Jain, the learned Advocate appearing for respondent no.4 states that, after the petition was filed, the claim of petitioners no.1, 2, 3, 4, 9, 10, 11, 13, 14, 15 and 17 has been accepted and they have been held eligible for permanent alternate accommodation under the scheme of development. He also states that the amount of rent payable to these petitioners for the temporary alternate accommodation is ready by way of cheques, with respondent no.4 today for the purpose of handing over. In the circumstance, nothing survives in the petition by these petitioners.

2). As regards petitioner no.5, she has been held to be ineligible for the permanent alternate accommodation. Hence, she will have to resort to the appropriate remedy to challenge her ineligibility.

3). The claim of eligibility of respondents no.6, 7, 8, 12, 16 and 18 is pending for consideration of the concerned authorities. Mr. Jain, makes a statement that, respondent no.4 is willing to make payment of rent for 11 months to these respondents subject to the decision on their eligibility. In view of the statement, the petition by these petitioners, also cannot survive. In the event, they are held

eligible for the permanent alternate accommodation, they will continue to receive the rent for temporary alternate accommodation and in the event they are found ineligible, their remedy to challenge the decision will be before another forum.

4). In the above circumstances, the statement made, on instructions by Mr. Jain, is accepted and the petition is disposed off accordingly.

(SMT. R.P. SONDURBALDOTA, J)