

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

WRIT PETITION NO.11002 OF 2016

Hari Rupai Yadav

..Petitioner

Versus

The State of Maharashtra and others

..Respondents

Shri. Y. K. Tiwari i/by Shri. Rajesh M. Yadav for the Petitioner.

Mrs. V. S. Nimbalkar, AGP for the Respondent Nos.1 & 3.

Shri. Omkar Kulkarni i/by Shri. Yadunath Chudhari for the Respondent No.2.

Ms. Ami Oza i/by Shri. Zaid Ansari for the Respondent No.5.

CORAM : R. M. SAVANT, J.

DATE : 8th DECEMBER, 2016

PC.

1 The order dated 19.03.2016 on the basis of which the remarks have been made in the Supplementary Annexure-II at Item No.18, which remarks are to the effect that the Petitioner is held ineligible for allotment of permanent alternate accommodation is taken exception to by way of the above Petition.

2 The principal contention urged by the Learned Counsel for the Petitioner is that the said order has been passed without hearing the Petitioner as also without taking into consideration the documents. The Learned Counsel pointed out the discrepancy between the number of the electricity bill of the Reliance Energy as mentioned in the original

Annexure-II and now mentioned in the Supplementary Annexure-II. The Learned AGP on instructions states that the Petitioner would be granted an opportunity of hearing and an opportunity to produce documents in support of his eligibility. The impugned order dated 19.03.2016 is accordingly set aside as also the remarks appearing in the Supplementary Annexure-II against his name. The Appellate Authority i.e. the Additional Collector (Encroachment/Removal), Western Suburbs is directed to hear and pass appropriate orders in accordance with law as regards the Petitioner's eligibility by giving proper opportunity to the Petitioner. The Petitioner to appear before the Appellate Authority i.e. the Additional Collector on 19.12.2016 at 3.00 p.m. The Appellate Authority i.e. the Additional Collector may thereafter fix the schedule as per his convenience and as directed by the instant order, pass orders in accordance with law. With the aforesaid directions, the Writ Petition is disposed of.

[R.M.SAVANT, J]