

Versus

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Mr. P.P. Bhosale for the Petitioner.
Mr. Vinod Mahadik for BMC.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : 27th SEPTEMBER , 2016.

P. C. :

Heard the learned counsels appearing for the respective parties.

2. By this petition the Petitioner has claimed the following relief :-

“b. This Honorable Court be pleased to quash and set aside the letter cum order dated 7/3/12 bearing No.K.S.A./ M East/721385123/ S.A. (Circle-1) issued by the learned Assistant Commissioner, MCGM, rejecting the Petitioner's letters/ applications dated 16/1/2012 & 27/1/12 & 12-01-2012 for prayer of allotment of a 225 sq ft flat on

ownership basis in 10% reservation scheme as PAP as per the BOTTLENECK policy annexed at **Exhibit-I.**”

3. On behalf of Respondent -Corporation, Mr. Bhushan S. Patil, Sub Engineer (Maint.) M/E ward has filed an affidavit. In para No.4 of the said affidavit following averments are made:

“I say that the structure of Petitioner is adjacent to the nalla that the alternate site given to the petitioner. I say that as per Policies when the structures are constructed within 15' of nalla they are not entitled for pitch card. I say that the present petition filed by the petitioner challenging the letter dt.7.3.2012 and providing him alternate accommodation was as per PAP and Bottleneck Policy. I say that the alternate accommodation was already provided to the petitioner and the same is in possession of him. I say that petitioner cannot claim other alternate accommodation for the same premises and hence present petition is liable to be dismissed.

4. In the light of above averments, we are not inclined to entertain this petition, hence the petition is dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)