

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1021 OF 2014

Maria R. D'Costa

.... Petitioner

Vs.

The Mumbai Municipal Corporation
& Others

.... Respondents

Mr. Parmeshwar Bhise i/by Mr. Rakesh Agrawal
for the Petitioner.

Mr. Vijay D. Patil for the Respondent No.3.

Mr. Mayur Khandeparkar i/by Mr. Yogesh Bandal
for the Respondent No.5.

Mr. Madhur S. Surana for the Respondent Nos.12
& 24.

CORAM: S.C. DHARMADHIKARI &
M.S. SONAK, JJ.

DATE : JUNE 24, 2016

P.C:

1. In the event the Competent Authority comes to the conclusion that the respondent Nos.6 to 37 are not eligible to occupy the permanent alternate accommodation allotted to them under a Slum Rehabilitation Scheme, then, it would be open for the Competent Authority to issue a direction for eviction of these respondents. We have no reason to doubt that the Competent Authority will follow the due process of law and

while coming to the above conclusion it will also give an opportunity to the petitioner to place any documents or her version. In such circumstances, when the only grievance of the petitioner is taken care of, we dispose of this writ petition.

2. We dispose it of also because Mr. Madhur Surana states that the writ petition was filed when there was an order of the Competent Authority holding some of the private respondents as ineligible and against such an order they approached the High Power Committee. The High Power Committee has set aside that order of the Competent Authority and the matter was remanded to the Competent Authority again for a fresh decision. In the light of such an order of the High Power Committee, presently these respondents are eligible. We direct that while deciding the case, the Competent Authority shall not be influenced by any tentative or *prima facie* conclusion of the High Power Committee. The matter must be decided afresh and on merits, so also in accordance with law. All contentions are kept open.

(M.S. SONAK, J.)

(S.C. DHARMADHIKARI, J.)