

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO.1166 OF 2016

Ramu Hanumanta Kavilkar ... Petitioner

Versus

The State of Maharashtra
Through the Collector Office And Others ... Respondents

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Ms. Ratna Jaiswal for the Petitioner.

Mr. Umashankar S. Upadhyay, AGP for Respondent No.1.

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CORAM : S.C.GUPTE, J.

DATE : 14 JUNE 2016.

P.C. :

. The subject matter of the present Petition is the Petitioner's plea for a permanent alternate accommodation in lieu of a structure held by him, which since has been demolished as part of a slum rehabilitation scheme. The matter was carried earlier by the Petitioner before this Court. The Division Bench of this Court directed the Respondent-State to decide the Petitioner's application for an alternate accommodation on the basis that he was an eligible slum dweller. It appears that in pursuance to the order of the Division Bench, Officer of Dy. Collector conducted a survey at the premises. After considering the survey report, Dy. Collector and the Competent Authority has rejected the Petitioner's application for inclusion of his name in Index-II. What is to be noticed singularly is that the document held against the Petitioner, namely, the survey report, has not even been disclosed to the Petitioner. It was incumbent on the Authority

not only to disclose the document, but also to elicit the Petitioner's response to the same. Learned AGP on behalf of the State submits that the State is prepared to give a fresh hearing to the Petitioner after making available to him a copy of the survey report referred to in the order dated 23 July 2015. Accordingly, the Petition is disposed of by setting aside the order dated 23 July 2015 and directing the Respondent-authority to hear the Petitioner after making available to him a copy of the survey report referred to above. The survey report shall be made available to the Petitioner within a period of two weeks from today. After the same is made available, the Respondent-authority shall fix a date of hearing and pass appropriate orders after hearing the Petitioner's response to the survey report. Such order to be passed as expeditiously as possible and in any event, within a period of six weeks from today. The Petition is, accordingly, disposed of.

(S.C.GUPTE, J.)