

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

WRIT PETITION (LODGING) NO.1364 OF 2016

Subhadra Laxman Bhandvankar & Ors. Petitioners

V/s.

The State of Maharashtra & Ors. Respondents

Mr. Sandeep V. Bane for the Petitioners.

Mr. Umashankar Upadhyay, A.G.P., for Respondent No.1-State.

Mr. H.C. Pimple for Respondent Nos.2 to 4.

Mr. G.D. Utangale a/w. Mr. Vinay Bhorge and Mr. Chetan Mhatre, i/by
M/s. Utangale & Co., for Respondent Nos.5 and 6.

Mr. Ranjit Kakkar for Respondent Nos.7 and 8.

CORAM : S.C. DHARMADHIKARI &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 22ND JUNE, 2016.

P.C. :

1. In terms of our orders, the Slum Rehabilitation Authority has carried out the requisite exercise. A report has been submitted regarding identification of Petitioner Nos.1 to 6.

2. In terms of this Report, what has been pointed out is that, Petitioner Nos.1 and 3 have refused possession of the transit accommodation. Petitioner Nos.2 and 5 have obtained physical possession of the transit accommodation and have occupied the same. Petitioner Nos.4 and 6 are presently held ineligible.

3. As far as Petitioner Nos.1 and 3 are concerned, it is stated that their relatives took the keys of the property / transit accommodation and visited the same, but found that somebody else is occupying the said transit accommodation. Mr. Kakkar, learned counsel appearing on behalf of Respondent No.8 - the Developer, however, maintains that Petitioner Nos.1 and 3 have been handed over physical possession of the transit accommodation. It may be that they have not come forward personally, but it is their relative who has identified herself and who has obtained the keys and took physical possession of the transit accommodation.

4. We do not wish to enter into this controversy for it is clearly factual. Once those ineligible slum-dwellers cannot be handed over the transit accommodation, even though Mr. Bane, learned counsel appearing for them, would like to this Court to do so and, equally, the factual dispute, as noted above, beyond our limited jurisdiction, that we dispose of this Writ Petition in terms of the report of the Slum Rehabilitation Authority.

5. We clarify that we have not expressed any opinion on the rival contentions, particularly about Petitioner Nos.1 and 3's relatives, their identity and the factum of the possession being handed over to them. That is the dispute which should be decided by the competent forum / Court.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [S.C. DHARMADHIKARI, J.]