

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

WRIT PETITION LODGING NO.1717 OF 2016

Smt. Yasmin Bano Mohd. Rafique Chaudhary : Petitioner.
versus
Deputy Collector (E/R) and
Competent Authority Bandra & ors. : Respondents.

**ALONG WITH
WRIT PETITION LODGING NO.1718 OF 2016**

Mohd. Rafique Noor Mohd. Chaudhary : Petitioner.
versus
Deputy Collector (E/R) and
Competent Authority Bandra & ors. : Respondents.

**ALONG WITH
WRIT PETITION LODGING NO.1719 OF 2016**

Smt.Baig Shakira Begum Fazalulla : Petitioner.
versus
Deputy Collector (E/R) and
Competent Authority Bandra & ors. : Respondents.

**ALONG WITH
WRIT PETITION LODGING NO.1721 OF 2016**

Smt.Tahirabano Chaudhary : Petitioner.
versus
Deputy Collector (E/R) and
Competent Authority Bandra & ors. : Respondents.

**ALONG WITH
WRIT PETITION LODGING NO.1722 OF 2016**

Mrs.Margaret Joseph Pereira : Petitioner.
versus
Deputy Collector (E/R) and
Competent Authority Bandra & ors. : Respondents.

Mr. Yousuf Khan a/w Mr. Ashit Husain and Mr. Mohd. Ahmed i/by Shivraj Kunchge for the Petitioners.

Mr. A U Patil for the Respondent No.4.

Mr. Yashodeep Deshmukh a/w Mr. Mahesh Mishra i/by Mr. Ravi Thankaaian for the Respondent No.5.

Mr. A I Patel Addl. GP for the Respondents-State in Writ Petition (L) No.1717 of 2016.

Mrs. Jyoti M Chvan AGP for the Respondents-State in Writ Petition (L) No.1721 of 2016.

Mr. Raju Mane AGP for the Respondent State in Writ Petition (L) No.1722 of 2016

Mr. Dushyant Kumar AGP for the Respondents-State in Writ Petition (L) Nos. 1718 of 2016 and 1719 of 2016.

CORAM : R. M. SAVANT, J.

DATE : 29th August 2016

P.C.

1 The above Petitions take exception to the order dated 04/06/2016 passed by the Additional Collector (Encroachment/Removal) by which order the Appeals filed by the Petitioners above named under Section 35 of the Slum Act came to be dismissed and resultantly the order passed by the Deputy Collector (Encroachment/Removal) directing demolition of the Petitioners structures and their eviction came to be confirmed.

2 It is not necessary to burden this order with unnecessary details. Suffice it would be to state that the Petitioners have all been declared as ineligible for allotment of permanent alternate accommodation in the slum rehabilitation scheme being implemented by the Respondent No.5. It appears that the Appeals filed by the Petitioners against declaring them to be ineligible are pending before the Additional Collector. As per the notice received from the

office of the Additional Collector dated 29/08/2016 produced by the learned counsel appearing for the Petitioners Shri Yousuf Khan, the hearing of the Appeals is to take place on 26/09/2016.

3 The learned counsel appearing on behalf of the Respondent No.5 Shri Yashodeep Deshmukh on instruction of Shri H Irani, the Project Manager of the Respondent No.5, was agreeable to provide ineligible Petitioners with transit rent for 6 (six) months and a deposit of one month's rent so that the Petitioners would vacate their structures to facilitate the demolition, and make way for implementation of slum rehabilitation scheme. However, the said suggestion was not acceptable to the learned counsel appearing on behalf of the Petitioners, who on instructions, states that it would be very difficult for the Petitioners to find alternate accommodation only for 6 (six) months.

4 Be that as it may, since the Appeals filed by the Petitioners are to come up for hearing before the Additional Collector (E/R) on 26/09/2016 and since the entitlement of the Petitioners to permanent alternate accommodation hinges upon the decision that would be rendered in the Appeals, in my view, it would be just and proper to direct the Additional Collector (E/R) to hear and decide the Appeals latest by 15/10/2016 by giving proper opportunity to the parties. In view of the fact that the Appeals are directed to be decided by 15/10/2016 by the instant order, the ineligible Petitioners are permitted to

(1) wpl-1717.16-aw-1718.16-aw-1719.16-aw-1721.16-aw-1722.16

occupy their respective structures till 15/10/2016. In the event the Petitioners are declared to be eligible by the Additional Collector (E/R), the learned counsel appearing on behalf of the Respondent No.5 Shri Yashodeep Deshmukh states that such of the Petitioners who would be declared as eligible would be extended the same benefits as the other eligible slum dwellers. Statement accepted.

5 In the event the Petitioners or any of them are declared as ineligible then they would be required to vacate their structures in terms of the order passed by the Additional Collector (E/R) which is impugned in the present Petitions, however, subject to further challenges as regards their ineligibility.

6 With the aforesaid directions, the above Writ Petitions are disposed of.

[R.M.SAVANT, J]