

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

WRIT PETITION LODGING NO.1716 OF 2016

Smt. Zarina Begum Ibrahim Khan : Petitioner.
versus
Deputy Collector (E/R) and
Competent Authority Bandra & ors. : Respondents.

**ALONG WITH
WRIT PETITION LODGING NO.1720 OF 2016**

Shamsudin Wajidali Shaikh : Petitioner.
versus
Deputy Collector (E/R) and
Competent Authority Bandra & ors. : Respondents.

**ALONG WITH
WRIT PETITION LODGING NO.1723 OF 2016**

Hakikulla Mohd. Umar and ors. : Petitioners.
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.1716 of 2016.

Mrs. Jyoti M Chvan AGP for the Respondents-State in Writ Petition (L) No.1720 of 2016.

Mr. Raju Mane, AGP, for the Respondents-State in Writ Petition (L) No.1723 of 2016.

CORAM : R. M. SAVANT, J.
DATE : 29th August 2016

P.C.

1 The above Petitions takes exception to the orders passed by the Additional Collector (Encroachment/Removal) by which orders a direction has been issued for demolition of the structures of the Petitioners and for their eviction. The said orders have been passed in Appeals filed by the Petitioners before the Additional Collector (E/R).

2 The Respondent No.5 herein is implementing a slum rehabilitation scheme on the plot of land in question on which the structures of the Petitioners are situated. It is required to be noted that in so far as the Petitioners are concerned, all the Petitioners are held to be eligible for allotment of permanent alternate accommodation, except the Petitioner in Writ Petition (L) No.1720 of 2016 who though held eligible for the Structure No.83 has been held ineligible for the Structure No.84, both the structures are shown as residential.

3 Since the Petitioners showed their disinclination to vacate their structures and in view of the fact that the structures of the Petitioners are obstructing the implementation of the slum rehabilitation scheme that the cause for initiating the proceedings against the Petitioners arose and the proceedings under Section 33 of the Slums Act came to be initiated against the Petitioners culminating into the order dated 16/03/2016 passed by the Deputy Collector (Encroachment/Removal). The foundation of the said order directing

demolition of the structures of the Petitioners and their eviction lies in the fact that the Petitioners above named are declared eligible and that the Respondent No.5 herein is ready to provide them transit rent for making alternate arrangements till the rehab buildings are constructed. The said orders have been passed on the basis that the structures of the Petitioners are coming in the way of the implementation of the said slum rehabilitation scheme.

4 The order passed by the Deputy Collector (E/R) was taken exception to by the Petitioners by filing Appeals before the Additional Collector (E/R) who is the Appellate Authority. The Additional Collector did not deem it appropriate to interfere with the order passed by the Deputy Collector and accordingly dismissed the Appeals.

5 The learned counsel for the Petitioners expressed apprehension as regards whether the Respondent No.5 would fulfill its obligation towards the Petitioners in the matter of entering into an agreement as also payment of transit rent to the Petitioners.

6 Upon this, the learned counsel appearing on behalf of the Respondent No.5 Shri Yashodeep Deshmukh, on instructions of Shri H. Irani, the Project Manager of the Respondent No.5, states that an agreement would be entered into with the Petitioners simultaneously with the Petitioners

vacating their structures so as to facilitate the demolition. He further states that the transit rent for 11 (eleven) months at the rate of Rs.12,000/- (Rupees Twelve Thousand) which is being paid to other eligible slum dwellers would be paid to the Petitioners in advance. He further states that all formalities would be completed by the Respondent No.5 in so far as the Petitioners above named are concerned, except in respect of the Petitioner in Writ Petition (L) No.1720 of 2016 as regards the structure where he is held to be ineligible, but would be completed in respect of the structure where he is held as eligible. Statement accepted.

In so far as the Structure No.84 is concerned, the concerned Petitioner would be at liberty to adopt appropriate proceedings and to prosecute the same which proceedings would undoubtedly be tried on their own merits and in accordance with law. However, the Petitioner in Writ Petition (L) No.1720 of 2016 would vacate both the structures by 30/09/2016.

7 The learned counsel appearing for the Petitioners Shri Yousuf Khan on instruction of the Petitioners above named amongst whom one Shri Hakkikullah Mohd. Umar is present in Court states that the Petitioners above named would vacate their structures latest by 30/09/2016. Statement accepted.

8 In view of the statement made by the learned counsel Shri

(1) wpl-1716.16-aw-1720.16-aw-1723.16

Yashodeep Deshmukh on behalf of the Respondent No.5 as also the statement made by the learned counsel Shri Yousuf Khan on behalf of the Petitioners above named, no further directions are required to be issued in the above Writ Petitions. The above Petitions to accordingly stand disposed of.

[R.M.SAVANT, J]