

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE**

WRIT PETITION (L) NO.1826 OF 2016

Mrs. Rukmini Harishchandra Patil .. Petitioner
Versus
The State of Maharashtra And Others .. Respondents.

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Mr. Mayur Khandeparkar i/b Omar Khaiyam Shaikh for the Petitioner.
Ms. Madhubala Kajle, AGP for Respondent Nos. 1 and 2.
Mr. Kukul Tally a/w Ms. Sanchitta Sridhar i/b S. Mahomedbhai & Co., for
Respondent No.3.
Mr. Vishwajeet Kapse for Respondent No.5.
Mr. Nitin H. Patil, Constituted Attorney of the Petitioner present.

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CORAM : S.C.GUPTE, J.

DATE : 14 JULY 2016.

Order :

. The Petitioner does not press the Petition in case she is given a reasonable time of about two weeks to vacate and hand over the possession of three structures, which are the subject matter of the present Petition and also if the claims of her two sons for eligibility in respect of the structures, namely, structures at Sr. Nos.268 and 333 listed in Annexure-II, are considered independently. The Petitioner also submits that she may be permitted to adopt such steps as may be permissible in law in respect of any other claim that she may have in respect of the Slum Rehabilitation Scheme forming part of the present Petition. Learned Counsel for Respondent No.3 (Developer who is implementing rehabilitation scheme)

has no objection if the above course is adopted.

2 Accordingly, the Petition is disposed of by recording undertaking by the Petitioner given through her Constituted Attorney, namely, Shri Nitin Harishchandra Patil, who is present in Court and who undertakes on behalf his principal as well as himself, to vacate and hand over the possession of the premises, namely, the structures at Sr. Nos.267, 268 and 333 of Annexure-II, which are the subject matter of the present Petition, to Respondent No.3 within a period of two weeks. In case the structures are not so handed over, the Respondents will be entitled to forcibly evict the Petitioner and such of the occupants as may be found to be in occupation of the premises, with such force as may be required and demolish the structures, for implementation of the scheme.

3. The impugned order dated 30 April 2016 passed by the Deputy Collector (Enc/Rem) and Competent Authority, Bandra as well as the impugned order dated 28 June 2016, passed by the Additional Collector (Enc/Rem) Western Suburban, Bandra, shall not come in the way of the Petitioner's two sons, namely, Shri Nitin Harishchandra Patil and Shri Pandurang Harishchandra Patil, applying for eligibility in respect of the structures, respectively, mentioned at Sr. Nos.268 and 333 of Annexure-II, by submitting appropriate documents to the Competent Authority. If such applications are made, the same shall be decided by the Competent Authority, namely, the Deputy Collector (Enc/Rem) and Competent Authority, Bandra, in accordance with law, within a period of eight weeks from the date of such applications. Respondent No.3 shall make available alternative accommodations in the redeveloped building as well as rent in

lieu of transit accommodations to the Petitioner's two sons or any of them if they are found to be eligible in relation to the structures referred to above.

4 Needless to say that if any proceedings are adopted by the Petitioner concerning the Slum Rehabilitation Scheme in pursuance of the liberty reserved above, all contentions of the parties, including those of Respondent No.3 in respect of such proceedings, shall be kept open.

5 The Petition is dismissed as not pressed.

(S.C.GUPTE, J.)