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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.922 OF 2016

Khan Kadar Abdul Rauf & Ors. ...Petitioners
vs.
Dy.District Collector (Enc.& Rem.)
and others ...Respondents

Mr.A.K.Saxena for the Petitioners
Mr.S.V.Pradhan a/w Mr.Rahul Shelar i/b Ms. Priti
Tare for the respondent Nos. 2 and 3
Ms Kavita Solanke, AGP for respondent No.1.

CORAM : A.S.OKA, &
SMT.ANUJA PRABHUDESSAI,JJ.
DATE : DECEMBER 9, 2016

P.C.:

1 Heard the learned counsel for the petitioners and the learned counsel for the second and third respondents. The learned AGP represents the first respondent.

2 The orders of eviction were passed against the petitioners by the Deputy Collector (Encroachment/ Eviction) and Competent Authority, Andheri, Mumbai. The petitioners were in possession of the structures situated on the property on which Slum Rehabilitation Scheme is being implemented. A Letter of Intent was issued to the third respondent on 4th September 2013 for carrying on development work and the IOA was issued on 10th September 2014 by the Slum Rehabilitation Authority. The orders of eviction were challenged by the petitioners by

preferring appeals before the Additional Collector. By the impugned order dated 24th September 2015, the appeals have been dismissed.

3 Following is the undisputed position.

(a)The first petitioner has been held as eligible for allotment of a permanent residential accommodation in the redeveloped property. Accordingly, the first petitioner and the third respondent have entered into an agreement dated 25th January 2008. The third respondent is paying rent at the rate of Rs.8,000/- per month to the first petitioner in lieu of temporary transit accommodation.

(b) The second petitioner has been held to be held eligible in respect of a commercial structure for grant of a permanent accommodation. Though the third respondent has offered rent to him, the second petitioner has not accepted the same. He has entered into an agreement dated 25th January 2008 with the said developer.

(c)The third petitioner has been held as ineligible for grant of a permanent residential accommodation in the re-developed property. He has executed an agreement with the developer on 25th January 2008. He is being paid rent of Rs.8,000/- per month towards transit accommodation by the third respondent-Developer.

(d)The fourth petitioner has been held as

eligible for grant of permanent accommodation of a residential premises. He has also executed an agreement with the Developer dated 25th January 2008. Though rent for transit accommodation was offered to the fourth petitioner, he has not accepted the same.

(e)Admittedly, the structures of the petitioners have been already demolished.

4 In view of the aforesaid factual position, now the challenge to the orders of eviction which have been confirmed by the Appellate Authority does not survive. As far as the third petitioner is concerned, he will have to challenge the decision of holding him as ineligible by adopting appropriate proceedings. The second and fourth petitioners can always accept the amounts offered to them towards transit accommodation. The learned counsel for the third respondent on instructions states that the said respondent is willing to pay amount towards rent of transit accommodation to the said petitioners. We accept the said statement.

5 The learned counsel for the petitioners has certain grievances regarding the failure of the third respondent to start implementation of the scheme. However, this grievance cannot gone into in this petition where the challenge is confined to the order of the Appellate Authority. If the petitioners have any such grievance, they are free to approach the Slum Rehabilitation Authority with necessary

representation.

6 By accepting the aforesaid statement of the third respondent and subject to above observations, the writ petition is disposed of.

(ANUJA PRABHUDESSAI,J.)

(A.S.OKA,J.)