

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

WRIT PETITION (L) NO. 3335 OF 2015

Vimal Builders and Anr.	}	Petitioners
versus		
The State of Maharashtra	}	
and Ors.	}	Respondents

Mr. Ravi Kadam - Senior Advocate with
Mr. Nitesh Ranavat and Mr. Abir P. i/b.
M/s. Wadia Ghandy and Co. for the
petitioners.

Mr. Ajay Khairnar i/b. Mr. D. A. Nalawade
for respondent no. 2.

Mr. Joaquim Reis - Senior Advocate with
Mr. H. C. Pimple for respondent nos. 3 to 5.

**CORAM :- S. C. DHARMADHIKARI &
G. S. KULKARNI, JJ.**

DATED :- APRIL 7, 2016

P.C. :-

1) On 4th April, 2016, the petitioners have filed an affidavit and in para 14 thereof at running page 192, this affidavit states as under:-

"14. I say that today Petitioners have not submitted any proposal under D.C.R. 33(7) in respect of 60 tenants and 4 V.L.T's as per the said clause 7.7 of DCR 33(10). If Petitioners submit the proposal as per law, the same shall be expeditiously considered by corporation in lines of corporation policy of 05.05.2012 and above said Transfer/Legal Heir policy dtd. 08/12/2015 for certifying eligibility of the tenants/VLT's in the format of Annexure - II and accordingly to grant Corporations NOC to SRA to

consider the joint proposal as per the said clause 7.7 of DCR 33(10) subject to payment of Capitalized Value.”

2) We find that the corporation's insistence on a formal proposal from the petitioners and for scrutiny of documents in relation to the 60 tenants and 4 vacant land tenants cannot be granted.

3) The corporation has complete record of these occupants and it is time that the Corporation scrutinises and verifies it. For that purpose, we grant the corporation 6 weeks' time from today. Upon such scrutiny and verification, if these occupants are entitled to the benefit of a scheme/project and which is being implemented by the petitioners, then, it is the corporation's obligation and duty to ensure their removal from the site so that the scheme goes through. Once a limited direction is sought and of this nature that the corporation to proceed in accordance with law against these occupants, then, the writ petition need not be kept pending. We clarify that the corporation must initiate prompt steps after such scrutiny is complete. We, therefore, expect it to commence the action in accordance with law for their removal within four weeks from the date the scrutiny and verification is complete.

4) It is now definitely not expected from the SRA to insist on further compliances for what the corporation certifies as the list of occupants and vacant land tenants would partake the character of Annexure II. It is that which would be acted upon and by all authorities.

(G.S.KULKARNI, J.)

(S.C.DHARMADHIKARI, J.)