

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2636 OF 2016**

Shri Tukaram Damodar Tandel

..Petitioner

Vs.

The State of Maharashtra & Ors

..Respondents

Ms Sheetal Kohad i/b Mr. K. A. Dhavle for the Petitioner

Mr. P. K. Samdhani Senior Advocate a/w Mr. Abir P i/b Wadia Ghandy & Co. for the Respondent No.5

Ms Oorja Dhond for the Respondent Nos.3 & 4

CORAM : R. M. SAVANT, J.

DATE : 24th MARCH, 2017

P.C.

1 The above Petition has been filed challenging the order dated 20/2/2016 passed by the Additional Collector, Mumbai City. By the said order, the order passed by the Competent Authority and Assistant Commissioner, Municipal Corporation of Greater Mumbai, F/North Ward under Section 33 of the Slum Act came to be confirmed.

2 In the above Petition Rule came to be issued on 18/3/2016, however, interim relief was refused, as consequence the structure of the Petitioner came to be demolished. It is an undisputed position that on the site being cleared i.e. the Petitioner's structure being demolished, the work relating to the implementation of the slum rehabilitation scheme has commenced on the site. Since the Companion Writ Petitions have already been disposed of, the above Writ Petition is shown for orders.

3 The learned Senior Counsel appearing on behalf of the Respondent No.5 Shri P K Samdani on instructions of the Respondent No.5 makes the following statement.

- (i) That the Respondent No.5 would not contend that the Petitioner had forfeited his rights to a permanent alternate accommodation in the slum rehabilitation scheme being implemented under Regulation 33(10) read with Rule 33(7) of the Development Control Regulations;
- (ii) That rental in lieu of temporary alternate accommodation is paid up to April 2018 on the assumption that the project would be completed by April 2018. The learned Senior Counsel Shri Samdani further makes a statement that if the rehab building is not completed by April 2018, then the Petitioner would be paid rental in advance on par with other occupants of the land in question;
- (iii) That the Respondent No.5 would deposit the same corpus qua the Petitioner as the deposit made in respect of other occupants with the Respondent No.6 Society and; lastly
- (iv) That the Respondent No.5 would enter into the agreement with the Petitioner on the same terms and conditions as the agreements

entered into with other occupants. The same would be done within four weeks from date.

4 In view of the statements as aforesaid made by the learned Senior Counsel appearing on behalf of the Respondent No.5, the learned Counsel Ms Sheetal Kohad appearing on behalf of the Petitioner, on instructions, seeks withdrawal of the above Writ Petition. The above Writ Petition is accordingly allowed to be withdrawn and dismissed as such. Rule in the above Writ Petition would accordingly stand discharged.

[R.M.SAVANT, J]