

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 5640 OF 2017  
WITH  
CIVIL APPLICATION NO. 1155 OF 2017  
AND  
WRIT PETITION NO. 5641 OF 2017  
WITH  
CIVIL APPLICATION NO. 1156 OF 2017**

Ramnath Ramlal Bhar ..Vs.. The Additional District Collector,  
Mumbai & Ors.

|                                                                                                    |                           |
|----------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office Memorandum of appearances, Court's orders or directions & Registrar's orders. | Court's or Judge's orders |
|----------------------------------------------------------------------------------------------------|---------------------------|

Mr. Bhushan Walimbe I/by. S.P. Borade for  
Petitioner in both Writ Petitions.

Mr. S. H. Kankal, AGP for Respondent Nos.1,  
2 and 5 in both Writ Petitions.

Mr. T. D. Deshmukh for Respondent No.3 in  
both Writ Petitions.

Mr. G. S. Godbole I/by. L. S. Deshmukh for  
Respondent No.4 in both Writ Petitions.

---

**CORAM : K. K. TATED, J.**

**DATE : JULY 10, 2017.**

**P.C. :**

. Heard learned Counsel for parties.

2. After arguing for some time, both the  
Counsel tendered the Minutes of Order dated  
10<sup>th</sup> July, 2017. Same is taken on record and  
marked "X" for identification. Same is  
accepted.

3. Writ Petition stand disposed of in terms of Minutes of Order dated 10<sup>th</sup> July, 2017 which read thus :

*“1. The Respondent No.3 has undertaken a Slum Rehabilitation Scheme for Shiv Prerna (Wadala) SRA Co-operative Housing Society Limited on the land bearing C.S.No.94 (pt) and C.S.No.104 (Part), 105 and 106 at Antop Hill, Wadala, Mumbai 4000 037 (hereinafter referred to as “the said land”).*

*2. The Competent Authority has issued an order on 23/12/2016 under section 3Z-2 of the Maharashtra Slum Areas Act, 1971, whereby the Competent Authority has ordered demolition of structure in issue. The Appellate Authority by order dated 18.4.2017 has confirmed the order passed by Competent Authority. Therefore, the Petitioner, who claims rights over said structure in issue, has impugned the order dated 18.4.2017 by filing present Writ Petition.*

*3. It is the contention of Petitioner that the Government has not constituted Grievance Redressal Committee as provided under section 35(1A) of the Slum Act. However, it has been informed by the learned Government Pleader that in absence of Grievance Redressal Committee, the High Power Committee is accepting and deciding appeals filed under section 35(1A) of the Slums Act.*

*4. It is the contention of Respondent Nos.3 and 4 that all the eligible hutment dwellers have vacated their respective structures and the same have already been demolished. The construction of rehabilitation building is completed, however, the erection of electric sub-station for the rehabilitation building has been stalled as the route of underground cables to be connected to the said electric sub-station is*

*through the land on which the structure of Petitioner is situated. Hence, the hutment of Petitioner is creating hurdle in redevelopment work undertaken by Respondent No.3.*

*5. After hearing the counsels for respective parties, following order is passed by consent :*

*(i) It would be open for Petitioner to file an appeal under section 35 (1A) of the Slum Act, 1971, presently before the High Power Committee or the Grievance Redressal Committee challenging order dated 18.04.2017 passed by Respondent No.1 i.e. the Additional Collector, Mumbai (ENC/REM) Mumbai within a period of one week from today;*

*(ii) In case if such appeal is filed within the prescribed time, the High Power Committee or the Grievance Redressal Committee, as the case may be, is directed to dispose of the Appeal on its own merits as expeditiously as possible. All the parties hereby undertake to co-operate for expeditious disposal of the Appeal.*

*(iii) Without prejudice to the rights and contentions of all the parties, particularly as to the eligibility of the Petitioner to claim benefit of the said scheme, Respondent No.3 shall pay to the Petitioner monthly compensation of Rs. 11,000/-, in lumpsum, for a period of six months from today. For the balance period i.e. till the disposal of an Appeal by the High Power Committee or the Grievance Redressal Committee, as the case may be, the Respondent No.3 shall make monthly payment of rs. 11,000/- by way of Advance Post Dated Cheques for a period of every 3 months, till the disposal of an Appeal by the High Power Committee or the Grievance Redressal Committee, as the case may be;*

*(iv) The Respondent No.3 shall handover to the Petitioner a cheque of Rs. 66,000/- , towards monthly compensation for a period of*

*six months, in lumpsum, by 11/07/2017. the Petitioner hereby undertake to vacate the structure in issue and handover vacant and peaceful possession thereof to Respondent No.3 on 17.07.2017. Immediately upon the Petitioner removing himself from the said structure in issue, the Respondent No.3 will be entitled to demolish the same.*

*(v) In case if the said claim of the Petitioner attains finality and the Petitioner is held eligible for receipt of the benefit of the said SRA scheme, Petitioner shall be entitled for all the consequential benefits and the Respondent No.3 hereby undertake to treat the Petitioner at par with other eligible slum dwellers, as per applicable law.*

*(vi) The Writ Petition is disposed of in the above term with no order as to costs.”*

4. No order as to costs.

**(K.K.TATED, J.)**