

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9861 OF 2015**

Moreshwar Hasu Patil

..Petitioner

Vs.

Assistant Commissioner & Ors

..Respondents

**ALONG WITH
CIVIL APPLICATION NO.660 OF 2017
IN
WRIT PETITION NO. 9861 OF 2015**

Moreshwar Hasu Patil

..Applicant

Vs.

Assistant Commissioner & Ors

..Respondents

**Mr. R. S. Apte Senior Advocate a/w Mr. K. A. Dhavle for the Applicant
/Petitioner**

Ms Oorja Dhond for the Respondent No.1

**Mr. P. K. Samdani Senior Advocate a/w Mr. Nitesh Ranavat, Mr. Abir P i/b
Wadia Ghandy & Co. for the Respondent No.2**

**CORAM : R. M. SAVANT, J.
DATE : 21st MARCH, 2017**

P.C.

1 The above Petition has been filed challenging the order 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" West ward under Section 33 of the Slum Act, came to be confirmed.

2 In the above Petition, Rule came to be issued on 17-12-2015, however, the interim relief was refused as a consequence the structure of the Petitioner came to be demolished. It is an undisputed position that on the site being cleared i.e. the structure of the Petitioner along with other structures being demolished, the work relating to the implementation of the slum rehabilitation scheme has commenced on the site. The Respondent No.2 had offered the Petitioner temporary transit accommodation in-situ. This was in view of the fact that the Petitioner had shown his reluctance to move out of the site, however, the Petitioner has not availed of the said in-situ transit accommodation.

3 The above Civil Application has been filed by the Applicant/Petitioner seeking the relief that the Respondent No.2 i.e. the Developer who is implementing the project for the Respondent No.3 Society should be directed to enter into an agreement with the Applicant/Petitioner on the same lines as the agreements entered into with the other slum dwellers. Upon this, the learned Senior Counsel appearing on behalf of the Respondent No.2 Shri P K Samdani on instructions of the Respondent No.5 makes the following statements.

(i) That the Respondent No.2 would not contend that the Petitioner had forfeited his right 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) Since the Applicant / Petitioner has now chosen to avail of the transit rent rather than in-situ accommodation, the Petitioner would be paid an amount of Rs.4 lacs which would be the rental up to April 2018. The said reduction from the offer of Rs.5,40,000/- as contained in affidavit dated 16-12-2015 filed on behalf of the Respondent No.2 which is annexed to the above Civil Application at Exhibit F is on account of the fact that the Petitioner has now chosen to avail of the transit rent rather than the in-situ accommodation. The said amount would be paid within one week from date. The Learned Senior Counsel Mr. Samdani further makes a statement that if the rehab buildings are not completed by April 2018, then the Applicant / Petitioner would be paid rental in advance on par with the other occupants of the land in question. The Learned Counsel further states that after the payment of Rs.4 lacs is made to the Petitioner, the Respondent No.2 would demolish the in-situ transit accommodation which was kept reserved for the Petitioner.

(iii) That the Respondent No.2 would deposit the same corpus qua the Applicant/Petitioner as the deposit made in respect of other occupants with the Respondent No.3 Society and; lastly

(iv) That the Respondent No.2 would enter into the agreement with the

Applicant/Petitioner in the above Civil Application and the Writ Petition 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.2, the learned Senior Counsel Shri R S Apte appearing on behalf of the Applicant/Petitioner, on instructions of the Petitioner who is personally present in court along with his son states that the amount of Rs.4 lakhs mentioned in clause (ii) above is acceptable to the Petitioner and 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 stand discharged. In view of the said statements as above, the above Civil Application also does not survive and the same to accordingly stand disposed of as such.

[R.M.SAVANT, J]