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

WRIT PETITION No. 1845 OF 2016

Pandurang D. Yadav ... Petitioner
Vs.
State of Maharashtra & Or. ... Respondents

Mr. S. S. Redekar, for the Petitioner.
Mr. Mohit Jadhav, AGP for Respondent No. 1.
Mr. Anoop V. Patil, for Respondent Nos. 2 to 4.
Mr. S. G. Surana i/b Eknath Desai, for Respondent No. 6.

CORAM : V. M. KANADE, &
P. R. BORA, JJ.

DATE : FEBRUARY 23, 2017

PC.

1. Heard the learned counsel appearing on behalf of the Petitioner, learned counsel appearing on behalf of the Developer (Respondent No. 6) and the learned counsel appearing on behalf of the SRA. The grievance of the Petitioner is that though he was held to be eligible to be given permanent accommodation by an order dated 30.4.2015 by the Competent Authority, till today the said alternate accommodation has not been given to him. The learned counsel Mr. Surana, appearing on behalf of Respondent No. 6 – Developer

submitted that the scheme was sanctioned in 2003 and 2010 itself, the said Respondent No. 6 has allotted all the tenements to persons who are held to be eligible as on that date. He submitted that as on 2010, the Petitioner was not found to be eligible and thereafter in April 2015 he is held eligible. The contention of the Petitioner is that there are three persons to whom the flats have been allotted in the rehab building, and who are now held to be ineligible. The Petitioner, therefore, is seeking seeking directions, directing Respondent No. 6 to allot the said flat to the Petitioner.

2. In our view, the direction which is sought by the Petitioner in prayer clause (a) cannot be granted, firstly because he has not made these persons as party respondents. Be that as it may, in our view, if the Petitioner is held to be eligible by order date 30.4.2015, even in that case the SRA will have to ensure that he is given an alternate accommodation, since he is a project affected person, either in the scheme which is available with Respondent No. 6 or any other slum scheme, as expeditiously as possible. We, therefore, direct Respondent Nos. 2 to 4 to take the aforesaid decision, as expeditiously as possible, in any case within a period of six weeks from the date of receipt of this order. Writ petition is accordingly partly allowed and disposed of.

Sd/-
[P. R. BORA, J.]

Sd/-
[V. M. KANADE, J.]

Vinayak Halemath