

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

WRIT PETITION NO.1659 OF 2016

Shri. Ganesh SRA Co.op. Society Ltd.	..Petitioner
Versus	
Chief Executive Officer, Slum Rehabilitation Authority and others	..Respondents

Mr. Anish Khandeparkar for the Petitioner.

Mr. G. B. Walawalkar i/by S. P Thorat for the Respondent No.1.

Mr. L. T. Satelkar, AGP for the Respondent Nos.2 to 4.

Mr. Pradeep Havnur for the Respondent No.5.

Mr. Ganesh S. Patil for the Respondent Nos.6 & 7.

**CORAM : R. M. SAVANT &
SMT. SADHANA S. JADHAV, JJ
DATE : 11th JULY, 2017**

PC.

1 The above Writ Petition has been filed by the society of the slum dwellers seeking a direction that the Respondents amongst whom is the developer be directed to take necessary steps for eviction and demolition of Buddha Vihar and another structure recently put up under Section 33 and 38 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (For short “the Slum Act”).

2 The Learned Counsel appearing on behalf of the Respondent No.5 Mr. Pradeep Havnur states that the Buddha Vihar has been

demolished and relocated in a temporary alternate accommodation which is on land which part of the Slum Rehabilitation Scheme. He further states that the structure of the Respondent No.6 has also been demolished. In view of the aforesaid demolition, there seems to be now no impediment in the implementation and completion of the Slum Rehabilitation Scheme. The Learned Counsel however points out that the demarcation could not be carried out in view of the structures existing on site which is required to be carried out in terms of the order dated 20.04.2017 passed by a Division Bench of this Court.

3 Upon this, the Learned AGP Mr. L. T. Satelkar states that the demarcation in question would be in terms of the said order dated 20.04.2017 and would be carried out expeditiously and not later than four weeks from date after giving notice to the concerned parties. The local Police Station is directed to give necessary Police assistance to the City Survey Officer as and when such demarcation is carried out and police assistance is requisitioned.

4 In so far as the Respondent No.6 is concerned, the allegation against the Respondent No.6 is that in spite of the demolition of the structure on a number of occasions, the Respondent No.6 would re-erect a shanty and continue to reside on the plot of land in question in the said

shanty which impeded the implementation of the Slum Rehabilitation Scheme. However, in view of the changed circumstances, namely that the shanty of the Respondent No.6 has been demolished, the Learned Counsel Mr. Pradeep Havnur states that the Respondent No.5 would extend the same benefit to the Respondent No.6 in the matter of providing temporary transit accommodation or transit rent to the Respondent No.6. However, he states that the same would be from 05.07.2017. The Learned Counsel Mr. Pradeep Havnur for the Respondent No.5 further states that the Respondent No.6 would be provided permanent alternate accommodation in the rehab building alongwith the other eligible slum dwellers.

5 In so far as the Respondent No.7 is concerned, it seems that the Appeal filed by it is pending before the Additional Collector, Mumbai Suburban District. The concerned Additional Collector is directed to hear and decide the said Appeal expeditiously and not later than 30.09.2017. With the directions as aforesaid, the Writ Petition is disposed of.

[SMT. SADHANA S. JADHAV, J]

[R.M.SAVANT, J]