

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 2087 OF 2017

M/s.Spark Developers .. Petitioner
Vs.
Smt.Savtribai Dattaram Mayekar and ors. .. Respondents

Mr.Sanjeev Sawant a/w Mr.Himanshu Kode, for the Petitioner.
Mr.S.G.Surana, for Respondent No.1.
Mr.Chirag Mody a/w Mr.Tejas Gokhale i/b M/s.Ashok Purohit & Co.,
for Respondents No. 3 & 4.
Mr.Sukanta Karmarkar, Asst. Government Pleader, for Respondents
No. 5, 7 & 8 – State.
Ms.Vandana Mahadik, for Respondents No. 6 & 9 – MCGM.

**CORAM : B.R.GAVAI AND
M.S.KARNIK, JJ.**

DATE : 10th AUGUST, 2017

P.C. :

. Rule. Rule is made returnable forthwith. Heard by
consent.

2. It is the grievance of the petitioner that though
respondent No.1 is held to be an ineligible for providing alternate
accommodation, she is not vacating the structure which was allotted
as a transit accommodation. It is submitted that on account of the

said structure is continued, the entire work of development has come to an standstill.

3. Perusal of provisions of Section 35(1)(a) of the Maharashtra Slum Areas (Improvement, Clearance And Redevelopment) Act, 1971 would reveal that upon an Appeal being admitted by the Grievance Committee, the person whose appeal is admitted cannot be evicted. In that view of the matter, we find that interest of justice would be served by directing respondent No.7 who is the Chairman of the Grievance Committee to decide the Appeal as expeditiously as possible and in any case within a period of one month.

4. Needless to say that in the event the Appeal is allowed, the Competent Authority shall allot the appropriate area for rehabilitation of respondent No.1. In the event, Appeal is dismissed, the respective Authority shall take necessary steps for immediate eviction of respondent No.1.

5. Parties to appear before respondent No.7 on 18/08/2017 as per the requirement of the formal notice.

6. Rule is made absolute in the aforesaid terms. No order as to costs.

(M.S.KARNIK, J.)

(B.R.GAVAI, J.)