

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

WRIT PETITION NO.803 OF 2015

S.D. Corporation Pvt. Ltd., Mumbai	...	Petitioner
Vs.		
Deputy Collector (Encroachment & Removal) and Competent Authority, Mumbai & Ors.	...	Respondents

Mr. A.A. Kumbhakoni, Senior Counsel, a/w. Mr. A.M. Kulkarni, for the Petitioner.

Ms. Uma Palsuledesai, A.G.P., for the Respondent-State.

Mr. J.G. Reddy for Respondent Nos.3 and 4.

Ms. Madhu Hiraskar, i/by M/s. Chitnis Vaithy & Co., for Respondent No.6.

CORAM : NARESH H. PATIL &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 25TH APRIL 2017.

P.C. :

1. Heard learned counsels for the respective parties.

2. Petitioner-Developer, under a Slum Rehabilitation Scheme, seeks a direction to evict Respondent No.6-Occupant from the subject premises. It is submitted by Mr. Kumbhakoni, learned Senior Counsel for the Petitioner-Developer, that there were 2,334 eligible slum-

dwellers, who were beneficiaries of the Slum Rehabilitation Scheme. Their names appear in Annexure-II of the Scheme. The redevelopment work started and consequent thereto, the Petitioner-Developer accommodated 2,213 eligible slum-dwellers in the redeveloped premises. The remaining slum-dwellers have yet to be allotted their premises.

3. Mr. Kumbhakoni, learned Senior Counsel for the Petitioner-Developer, on instructions, extends a proposal, therefore, for a period of six months, effective from 15th May 2017 onwards, whereby the Petitioner-Developer would pay Rs.12,000/- per month to Respondent No.6-Occupant towards rent compensation for an alternate accommodation, without prejudice to the rights and contentions of both the parties. The Respondent No.6-Occupant shall vacate the premises occupied by her by 15th May 2017.

4. Ms. Hiraskar, learned counsel appearing for Respondent No.6, accepts the proposal extended by learned Senior Counsel appearing for the Petitioner-Developer to the extent of receiving the rent compensation of Rs.12,000/- per month for a period of six months, effective from 15th May 2017 onwards, and vacating the subject

premises by 15th May 2017. Learned counsel for Respondent No.6, on instructions of Respondent No.6, who is present in Court, submits that, though it would be difficult to secure alternate accommodation for a period of six months only, she would be trying hard for the same. It is further submitted that, non-inclusion of name of Respondent No.6 in Annexure-II of the Scheme is under challenge in the present Petition. Learned counsel for Respondent No.6 states that the Respondent No.6 approached the Collector, but she failed to establish her case. An Appeal came to be preferred now before the High Power Committee.

5. In the facts of the case, we pass following order :-

“O R D E R”

- (i) Learned counsel appearing for Respondent No.6 is entitled to file Appeal within a week's time before the appropriate authority i.e. High Power Committee.
- (ii) We direct the High Power Committee to dispose of the Appeal on merits within a period of two months, in case such Appeal is filed by the Petitioner.

(iii) On the oral undertaking given, on instructions, by learned Senior Counsel for the Petitioner-Developer to the Court in respect of payment of monthly rent compensation to Respondent No.6 on time, Respondent No.6 shall vacate the subject premises and handover vacant and peaceful possession thereof to the Petitioner-Developer by 15th May 2017.

(iv) The payment of monthly rent compensation to Respondent No.6 shall be made by the Post Dated Cheques. The Post Dated Cheques shall be handed over to Respondent No.6 at the time of vacating the subject premises on 15th May 2017.

6. Petition is disposed of in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [NARESH H. PATIL, J.]