

(WP 2877 of 2016)

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

WRIT PETITION No. 2877 OF 2016

Bhagwati Kunj CHS Ltd.Petitioner
Vs.
State of Maharashtra and Ors.Respondents

Mr. Ramakant Paranjpe i/b. Ajit Vijay Mandlik for the Petitioner

Mr. Mohit Jadhav -AGP for Respondent -State

Mr. Girish Utangale a/w. Chetan Mhatre i/b. M/s. Utangale & Co.
for Respondent Nos. 2 SRA.

**CORAM : V.M. KANADE &
C.V. BHADANG, JJ.**

DATE : MARCH 30, 2017

P.C. :

1. The contention of the Petitioner is that the occupants of the first floor of the building, which was constructed in the year June, 1938, have not been considered to be eligible to get permanent accommodation in view of the circular issued by the State of Maharashtra. It is submitted that this Court has taken a view in group of petitions being Writ Petition No. 2826 of 2013 along with writ petition (L) No. 296 of 2015 and writ petition No. 2123 of 2014 decided on 24th February, 2015 that the occupants

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of the first floor of the building, which is constructed after taking due permission, will have to be declared as eligible.

2. The learned counsel for Respondent No.2 submits that the Petitioner has an alternate remedy available to move before the Appellate Authority. He has relied on the notification dated 27th May, 2016.

3. In our view, the writ petition can be conveniently disposed of by directing the Petitioner Society to approach the competent authority by making an application, seeking a declaration that the occupants of the first floor of the said building are also eligible. The Petitioner Society to produce all the relevant documents and file an individual application of the said occupants/tenants. If such applications are filed, the same may be decided within four weeks thereafter. The Appellate Authority shall take into consideration the judgment and order passed by this Court dated 24.2.2015 and decide the applications filed by the occupants/tenants on merits and in accordance with law. With these directions, the writ petition is disposed of.

[C.V. BHADANG, J.]

[V.M. KANADE, J.]