

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

WRIT PETITION NO. 145 OF 2016

Shaikh Raisa Begum Mohd. Hanif.	..Petitioner.
Vs.	
The Deputy Collector (ENC/REM) & Competent Authority & ors.	..Respondents

Mr. A.R. Shaikh, for the Petitioner.

Mr. Kunal Bhanage, AGP, for the Respondent Nos. 1,4, 5.

Mr. Anil R. Sharma, for the Respondent No. 3.

**CORAM : R. M. SAVANT, J &
SMT.SADHANA S. JADHAV,J
DATE : 23rd JUNE, 2017**

P.C.

1 The above Petition has been filed challenging the action of demolition of the Petitioner's structure being Hut No. 300, Chandni Agar, Sangram Nagar, S.P. Road, C.S. No. 105, Antop Hill, Mumbai 400037 allegedly on 7/9/2015. In so far as the land on which the Petitioner's structure was situated, on the said land a Slum Rehabilitation Scheme is being implemented by the Respondent No. 3 for the Respondent No. 2 Society of slum dwellers.

2 The Learned Counsel appearing on behalf of the Respondent No. 3 Developers Shri A.R. Sharma on instructions makes a statement that the

Respondent No. 3 is willing to pay the Petitioner transit rent for a period of 11 months. The learned Counsel appearing for the Petitioner Shri Shaikh states that the Petitioner's Appeal as regards determining his eligibility is pending before the Respondent No. 1.

3 Having regard to the above, it is not necessary for us to go into the aspect of the allegation of the demolition being illegal. It would be just and proper if the Petition is disposed of by issuing the following directions:

(i) The Petitioner would be paid transit rent for a period of 11 months from the date i.e. from June 2017 till 31st May, 2018 in lump-sum at the rate of Rs. 12,000/- per month. On the said payment being made the Petitioner gives up his right in so far as the claim for compensation and re-erecting the structure in question.

(ii) The Appeal of the Petitioner as regards his eligibility for allotment of the permanent alternate accommodation, which is pending before the Respondent No. 1, would be decided by the Respondent No. 1 latest by 31/7/2017.

(iii) If the Petitioner is declared as eligible, the Petitioner would be then entitled to all the benefits, which the other eligible slum dwellers are entitled to under the Scheme.

(iv) If the Petitioner is declared ineligible, then the Petitioner would not claim any right to permanent alternate accommodation, which would however

be subject to further proceedings, that he may adopt.

(v) The learned Counsel Shri A.R. Sharma states that cheque for the amount in terms of clause (i) above would be handed over to the Petitioner latest by 26/6/2017.

4 With the aforesaid directions, the Writ Petition is disposed of.

[SMT.SADHANA S. JADHAV,J]

[R.M.SAVANT, J]