

(WP 2769 of 2016)

vat

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

WRIT PETITION No. 2769 OF 2016

Mahadev Viththalsa Katave and Ors. ...Petitioners
Vs.
State of Maharashtra and Ors. ...Respondents

Mr. Shivraj Kunchage i/b. Mr. Altaf Khan for the Petitioners

Mr. Sukanta Karmarkar for Respondent Nos.1 to 3, 5 and 6

Mr. Chetan Mhatre i/b. Utangale & Co. for Respondent No.4

Mr. Sagar Paatil for Respondent -BMC

Ms. Leena Shah i/b. Shah & Juria Associates for Respondent No.8

**CORAM : V.M. KANADE &
P.R. BORA, JJ**

DATE : FEBRUARY 10, 2017

P.C. :

1. We are informed that Petitioner Nos.1 to 9 claimed that they are eligible and their names should be included in the Annexure II.

2. The learned counsel for Respondent No.8- Developer submits that so far as Petitioner No.1 is concerned, he is found eligible and they have no objection if the rent which is compensated to him is released. Petitioner No.1 claims to be legal heir of the Original Petitioner.

3. The learned counsel for the Petitioners submits that so far as Petitioner Nos.2 to 9 are concerned, they have already filed an application for consideration of their eligibility before the Competent Authority. However, no orders have been passed on the said application.

4. In an earlier round of litigation, we had given direction to the Developer to deposit an amount in lieu of the rent and also directed the Prothonotary and Senior Master to release the said amount if the tenants are found eligible and their names are included in the Annexure II.

5. We, therefore, direct the Competent Authority to decide the Petitioner Nos. 2 to 9's application / representation as expeditiously as possible, on merits and in accordance with law within six weeks. If they are found eligible, the Prothonotary and Senior Master may release the said compensation in lieu of rent, expeditiously, within four weeks thereafter. With these direction, the writ petition is disposed of. All contentions raised by all the parties are kept open.

[P.R. BORA, J.]

[V.M. KANADE, J.]