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

WRIT PETITION (L) NO. 3375 OF 2017

Shree Saibaba Vyapari Seva Sanstha ... Petitioner
Versus
The State of Maharashtra & Anr. ... Respondents

Mr. Vachan Bodke, with Ms. Madhu Hiraskar, i/b M/s. Chitnis
Vaithy & Co. for the Petitioner.
Ms. Sheetal Mane, for M.C.G.M.
Mr. U.S. Upadhyay, AGP.

**CORAM: SMT. VASANTI A NAIK AND
MR. RIYAZ I. CHAGLA, JJ.**
DATED: 30TH NOVEMBER 2017

PC:-

Not on board. Taken on production board.

By this writ petition, the petitioner seeks to challenge the notices dated 24th November 2017 and 28th November 2017 as being bad in law. The petitioners have also sought a direction against respondent nos. 2 and 3 to consider the eligibility of the members of the petitioner for permanent alternate accommodation.

It is brought to the notice of this court that before this writ petition was taken up for admission and hearing in the afternoon session, during the morning hours the structures of the petitioners were demolished. Therefore, the challenge made by the petitioners to the impugned notice would not survive as the petitioners were asked to vacate the premises or else the

structures would be demolished.

In regard to the second prayer made by the petitioners, it is submitted on behalf of the respondent – corporation that the petitioners were served with the notice in the year 2015 and they were asked to produce the relevant documents to prove their eligibility for an alternate accommodation. It is submitted that most of the petitioners had produced the documents but since they could not produce the documents that pertained to the period before the cut off date, the petitioners were held to be “ineligible”. It is stated that it would be necessary for the petitioners to take steps for challenging the orders holding them 'ineligible'.

On hearing the learned counsel for the parties, we find that the cause of filing this writ petition is rendered infructuous due to the reasons recorded hereinabove. The petitioners would be entitled to avail the appropriate remedy for challenging the action on the part of the respondent corporation of holding them “ineligible”.

Hence, we dispose of the writ petition with no order as to costs. The points raised in the petition are kept open.

(RIYAZ I. CHAGLA J.)

(SMT. VASANTI A. NAIK, J.)