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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7928 OF 2013

Raosaheb Y. Vadar	...Petitioner
V/s.	
The Dy.Collector (Encroachment) Ghatkopar & Ors.	...Respondents

WITH
WRIT PETITION NO.8050 OF 2013

Babu N. Shinde	...Petitioner
V/s.	
The Dy.Collector (Encroachment) Ghatkopar & Ors.	...Respondents

WITH
WRIT PETITION NO.8051 OF 2013

Bhima N. Shinde	...Petitioner
V/s.	
The Dy.Collector (Encroachment) Ghatkopar & Ors.	...Respondents

WITH
WRIT PETITION NO.8242 OF 2013

Mahendra J. Saidane	...Petitioner
V/s.	
The Dy.Collector (Encroachment) Ghatkopar & Ors.	...Respondents

WITH
WRIT PETITION NO.9321 OF 2013

Bharat H. Shinde	...Petitioner
V/s.	
The Dy.Collector (Encroachment) Ghatkopar & Ors.	...Respondents

WITH
WRIT PETITION NO.9322 OF 2013

Hanumanta N. Kamble ...Petitioner
V/s.
The Dy.Collector (Encroachment) Ghatkopar & Ors. ...Respondents

WITH
WRIT PETITION NO.9324 OF 2013

Vishwanath P. Nadgeri ...Petitioner
V/s.
The Dy.Collector (Encroachment) Ghatkopar & Ors. ...Respondents

Mr.M.A. Chaudhari with Ms.Kanchan Pawar for the Petitioners.

Mr.S.D. Rayrikar, A.G.P. for the State – Respondent Nos.1, 2 and 4.

Mr.Chetan Mhatre i/b M/s.Utangale & Co. for the Respondent No.3.
Mr.V.A. Sugdare for the Respondent No.5.

CORAM : R.D. DHANUKA, J.
DATE : 26TH FEBRUARY, 2018.

P.C. :-

1. Heard learned counsel appearing for the parties who are representing their respective clients and are present in Court today.
2. There is serious dispute about the entitlement of the petitioners to get permanent alternate accommodation in respect of various tenements. This Court had already directed the concerned officer to conduct an enquiry and to submit a report. It would be more appropriate if the matter is thus remanded back to the Deputy Collector (Encroachment & Removal), Ghatkopar for a fresh enquiry and to pass an order whether any of these petitioners are entitled to permanent alternate accommodation or not without being influenced

by the observations made in the impugned order passed by the Deputy Collector (Encroachment) as well as in the order passed by the Divisional Commissioner, Konkan Division, Bombay in Appeal No.341 of 2012. The learned Deputy Collector (Encroachment & Removal), Ghatkopar shall pass a fresh order after complying with the principles of natural justice with all the petitioners and in accordance with law.

3. The impugned order dated 17th August, 2012 as well as the order dated 16th March, 2011 passed by the Deputy Collector (Encroachment & Removal) annexed at page 37 of the writ petition are set aside.

4. All the parties are directed to appear before the Deputy Collector (Encroachment & Removal), Ghatkopar on 12th March, 2018 at 3:00 p.m. The Deputy Collector (Encroachment & Removal), Ghatkopar shall decide the issue expeditiously and not later than four months from the date of the first hearing.

5. All the parties to these petitions shall be heard by the Deputy Collector (Encroachment & Removal), Ghatkopar before passing the order.

6. All the parties are directed to remain present on the appointed date. No other notice will be issued.

7. The writ petitions are disposed of in aforesaid terms. No

order as to costs.

8. All the parties including the Deputy Collector (Encroachment & Removal), Ghatkopar to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)