

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 12157 OF 2018

Sayyed Ahmed Shah & ors.

.Petitioners

Vs.

The Grievance Redressal Committee,
Mumbai Suburban, Mumbai & ors.

.Respondents

Mr. T. Kochale, Advocate, for the Petitioners

Mr. S. D. Rayarikar, AGP, for the Respondent – State

Ms V. Maindad, Advocate, for the SRA

Mr. Y. D. Bandal a/w Mr. P. A. Nakhati, Advocate, for the
Respondent No. 4

CORAM : REVATI MOHITE DERE, J.

DATE : 30.10.2018

P.C.

. Heard learned counsel for the parties.

2. Learned counsel for the Petitioners submits that the
Petitioner Nos. 1, 3 & 4's eligibility Applications are pending
before the learned Additional Collector and that the same have
not been decided till date. He submits that as far as the Petitioner
Nos. 2 & 5 are concerned, they are declared to be eligible
subsequently, by the Deputy Collector, however, the Petitioner

Nos. 1, 3 & 4's eligibility Applications are still pending before the Deputy Collector. Learned counsel for the Respondent No. 4 – M/s. Rockline Properties and Developers Pvt. Ltd. has tendered an Affidavit-in-reply of the Director of Respondent No. 4 – Mr. Surendrakumar Laxmandas Raval. The Respondent No. 4 has undertaken to give an alternate accommodation to the Petitioner Nos. 2 & 5, since they are declared to be eligible and has undertaken to give an alternate accommodation to the Petitioner Nos. 1, 3 & 4, if they are found to be eligible by the Competent Authority / Court. Statement accepted.

3. In view of the statement and the Affidavit-in-reply filed by the Respondent No. 4, the following order is passed :-

O R D E R

(i) As far as the Petitioner Nos. 2 & 5 are concerned, since they are declared to be eligible, the Respondent No. 4 shall forthwith enter into an alternate accommodation Agreement with the said Petitioner Nos. 2 & 5 within one week from the date of receipt of this order;

(ii) As far as the Petitioner Nos. 1, 3 & 4 are concerned,

if the said Petitioners are declared to be eligible by the Competent Authority / Court, the Respondent No. 4 shall abide by their statement and will give an alternate accommodation even to the Petitioner Nos. 1, 3 & 4;

(iii) Since the examinations of the children of the Petitioners are going on, the premises of the Petitioner shall not be demolished for a period of two weeks from today;

(iv) All contentions of all parties with respect to the eligibility of the Petitioner Nos. 1, 3 & 4 are kept open before the Competent Authority / Court;

(v) It is made clear, that before the demolition is carried out, the Deputy Collector shall videograph the premises and carry out a panchanama after giving notice to the Petitioners of the same. After the panchanama is drawn and videography is done, the premises can be demolished in the presence of the Petitioners;

(vi) Since the eligibility Applications of the Petitioner Nos. 1, 3 & 4 are pending before the Deputy Collector, the Deputy Collector shall decide the said Applications of the Petitioner Nos. 1, 3 & 4 as expeditiously as possible and in any event within six weeks from the date of receipt of this order.

4. The Petition is disposed off on the aforesaid terms.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)