

Anand

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12336 OF 2018

Sherkhan Rafiq Khan

.Petitioner

Vs.

The State of Maharashtra & ors.

.Respondents

Mr. A. Patil i/b. Mr. S. R. Phanse, Advocate, for the Petitioner
Mr. S. D. Rayarikar, AGP, for the Respondent Nos. 1 to 3 – State
Mr. Y. D. Bandal a/w Mr. P. Nakqti, Advocate, for the Respondent
No. 4
Mr. S. P. Thorat, Advocate, for the Respondent No. 5 – SRA

CORAM : REVATI MOHITE DERE, J.

DATE : 30.10.2018

P.C.

. Heard learned counsel for the parties.

2. It is not in dispute that the Petitioner's Application for eligibility is pending before the Deputy Collector.

3. Learned counsel for the Respondent No. 4 – M/s. Rockline Properties & Developers has filed an Affidavit of one Mr. Surendrakumar Laxmandas Raval, Director of the

Respondent No. 4 stating therein, that if the Petitioner is found eligible, he would be given an alternate accommodation under the Slum Rehabilitation Scheme.

4. In view of the aforesaid, learned counsel for the Petitioner seeks leave to withdraw this Petition with a request that the Application of the Petitioner which is pending before the Deputy Collector be expedited. Accordingly, the following order is passed :-

O R D E R

(I) The Deputy Collector to decide the Petitioner's Application for eligibility as expeditiously as possible and in any event, within six weeks from the date of receipt of this order;

(ii) All parties to appear before the Deputy Collector on **02.11.2018 at 3.00 p. m.** after which the Deputy Collector will give dates convenient to him.

(iii) The Respondent No. 4 shall abide by his statement made in the Affidavit, if the Petitioner is found eligible.

5. In the meantime, till the Appeal filed by the Petitioner

is finally decided by the Deputy Collector, the Petitioner's structure shall not be demolished. The Deputy Collector shall pass appropriate orders on the Petitioner's Application for eligibility on its own merits, uninfluenced by the interim protection granted by this Court. All parties to co-operate with the expeditious disposal of the Application. It is made clear, that this Petition has not been heard on merits. Accordingly, the Petition is disposed off on the aforesaid terms.

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

(REVATI MOHITE DERE, J.)