

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

WRIT PETITION (L) NO.4 OF 2018

Munna G. Shaikh And Another	...	Petitioners
Versus		
The State of Maharashtra And Others	...	Respondents

**ALONGWITH
WRIT PETITION (L) NO.5 OF 2018**

Shakila Sallu Khan And Another	...	Petitioners
Versus		
The State of Maharashtra And Others	...	Respondents

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Mr. Anand H. Singh for the Petitioners.

Mr. Kedar Dighe, AGP for Respondent Nos.1, 1(A) And 1(B) in Writ Petition (L) No.4 of 2018.

Ms. Geeta Shastri, AGP for Respondent No.1, 1(A), 1(B), 1(C) And 1(D) in Writ Petition (L) No.5 of 2018.

Mr. Mayur Khandeparkar a/w Mr. Soura Subha Ghosh And Ms. Parinaz Nagporwala I/b M/s Hariani & Co. for Respondent No.5.

Ms. Raveena Yadav I/b Ashok Purohit & Co. for Respondent No.6-SRA.

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CORAM : S.C.GUPTE, J.

DATE : 27 FEBRUARY 2018

P.C. :

. Heard learned Counsel for the parties.

2 After the matter is heard at some length, it is agreed between the parties, that is to say, between the Petitioners and Respondent No.5 that if the Petitioners vacate the suit premises and allow demolition of the premises for the work of reconstruction undertaken by Respondent No.5,

Respondent No.5 is prepared to pay six months' rent for an alternative accommodation to the Petitioners without prejudice to the rights and contentions of the parties. Learned Counsel for Respondent No.5 submits that during this period, the Petitioners may agitate their grievances before the Competent Authority and get themselves declared as eligible hutment dwellers for the purpose of receiving the benefits of the subject slum rehabilitation scheme. It is the grievance of the Petitioners that their eligibility is not being considered by the Competent Authority in accordance with the Government of Maharashtra Resolution dated 16 May 2015. Learned Counsel for the Petitioners submits that he is prepared to accept the offer made by Respondent No.5, if their grievance is considered by the Competent Authority in accordance with this resolution.

3 *Prima facie* it does appear that the Competent Authority is bound to consider the eligibility of the Petitioners in accordance with the resolution dated 16 May 2015. To that extent, the matter of (i) existence of the hutments on the vacant land at the appointed date, i.e. on 1 January 2000, and (ii) residence of the Petitioners in the hutments for a period of one year prior to preparation of Annexure-II, should be considered afresh by the Competent Authority without reference to the impugned order dated 23 November 2017, challenged in the present petitions. The petitions itself can be disposed of in terms of the order indicated above.

4 Accordingly, the statements made by learned Counsel for the Petitioners and Respondent No.5 are accepted. The Petitioners shall forthwith vacate the suit premises and allow its demolition.

5 When the Competent Authority hears the Petitioners to decide their eligibility, it shall consider the provisions of Government Resolution dated 16 May 2015 and decide the issue of eligibility of the Petitioners afresh and without being in any way influenced by the impugned order dated 23 November 2017 challenged in the present petitions. The Competent Authority to decide the issue of eligibility within a period of four weeks from 6 March 2018.

6 The petitions are disposed of.

7 Liberty to the parties to apply, if there is any difficulty.

(S.C. GUPTE, J.)