

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 148 OF 2018
WITH
NOTICE OF MOTION (L) NO. 67 OF 2018**

Jitendra Narayan Gawande ...Petitioner
Versus
Grievance Redressal Committee Mumbai ...Respondents
Suburbs & Ors

Mr Tushar Kochale, *for the Petitioner.*
Mr Prathamesh Kamat, *i/b Santosh S Pathak, for Respondents Nos. 1
& 4.*
Mr H Takke, *AGP for Respondents Nos. 2 & 3-State.*

CORAM: G.S. PATEL, J
DATED: 23rd January 2018

PC:-

1. Pursuant to my order dated 19th January 2018 the authorities, i.e., Respondents Nos. 2 and 3 have carried out the necessary survey. A copy of their report dated 20th January 2018 is tendered. It is taken on record and marked “X” for identification with today’s date. The Survey Report conducted under orders of this Court re-asserts and re-affirms that the Petitioner is entitled to only one structure. The second structure being claimed by the Petitioner was

actually built inside the first structure, which stood in the father's name.

2. In addition, it is pointed out that temporary alternative accommodation has been offered to the Petitioner. He has also been given 12 months' rent in advance and which he has accepted. At this, learned Advocate for the Petitioner seeks leave to withdraw the Petition.

3. The Writ Petition is dismissed as withdrawn, subject to the following:

- (a) The Developer and the Society, Respondents Nos. 4 and 5, will execute the necessary temporary alternative accommodation agreement, if not already done and have this registered;
- (b) The permanent alternative accommodation, if not already executed will be executed within four weeks from today and will also be got registered, if required by law (Mr Kamat points out that this being a Slum Agreement, it does not require registration);
- (c) The Petitioner would be entitled to allotment in lieu of his one structure in the reconstructed rehab building;
- (d) If the Petitioner has any other grievances other than the question of survey, he is at liberty to pursue those;
- (e) The Petitioner agrees and undertakes to vacate the partly demolished structure by 30th January 2018.

(f) Previous orders permitting reconstruction stand recalled.

4. The Writ Petition is disposed of in these terms. There will be no order as to costs.

5. The Notice of Motion does not survive and the same is dismissed as infructuous. No costs.

(G. S. PATEL, J)