

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1434 OF 2018**

Ahmedjan Habibullal Qureshi
Age: 70 years, Occu: Business,
Residing at 204, 2nd Floor, City Tower,
Shaikh Misri Road, Antop Hill,
Mumbai-400 037.

..Petitioner

Versus

- 1] State of Maharashtra,**
Through Urban Development
Department, Mantralay,
Mumbai-400 001.
- 2] The Municipal Commissioner,**
Brihanmumbai Municipal Corporation
CST, Mumbai-400 001.
- 3] Chief Officer,**
Slum Rehabilitation Authority,
Grih Nirman Bhavan, Bandra East,
Mumbai-400 051.
- 4] Newlook Constructions Pvt. Ltd.**
3, Sidharth Nagar, Ground Floor,
M.M.G.S. Marg, Dadar,
Mumbai-400 040.
- 5] Vitthal Rakhumai S.R.A. Co-operative**
Housing Society Ltd. Having address
at C.T.S. No.298 (Part), 299 to 305, 306
(Part), Final Plot 24 to 37, Shiwari Wadala
Scheme No.57, Dadar Naigaon Division,
Katrak Road, Wadala, Mumbai-400 031.

..Respondents

Mr. Jayesh Bhatt, Advocate for the Petitioner.

Ms. Uma Palsuledesai, AGP for Respondent No.1 – State.

Ms. Trupti Puranik, Advocate for Respondent No.2 – MCGM.

Mr. Shankar P. Thorat, Advocate for Respondent No.3.

Mr. Harish R. Pawar, Advocate for Respondent No.4.

Mr. Saket Mone I/by M/s. Vidhi Partners, Advocate for Respondent No.5.

CORAM : B. R. GAVAI &

M. S. KARNIK, JJ.

DATE : 4th OCTOBER, 2018

ORAL JUDGMENT (Per B. R. Gavai, J)

1] Rule. Rule made returnable forthwith. Heard by consent of parties.

2] Though the Petitioner had initially approached this Court contending that the Petitioner was entitled to 684 sq.ft. permanent commercial alternate accommodation in lieu of two shops, which are in his possession at present, however, after the matter was substantially heard, when we expressed our disinclination to entertain the Petition, a suggestion was made to the parties to make an attempt to amicably settle the matter.

3] The matter has been amicably settled. The Respondent No.4 has agreed to provide two premises admeasuring about 269 sq.ft. carpet area, adjacent to each other on ground floor of rehab

building No.6 situated at Balaram Khedekar Marg, Wadala, Mumbai-400 031. It is informed that the said two structures are situated on the 60 ft. road and can be used for commercial purpose.

4] The only difficulty of the Petitioner is that he requires entire premises for the business purposes. It has been therefore agreed that the Respondent No.4 shall apply to the SRA for removal of the toilet blocks in the premises, so that the Petitioner can utilize the entire premises for commercial purposes.

5] The Petition is therefore disposed of in the following terms :-

ORDER

A] The Respondent No.4 shall hand over the possession of two premises of 269 sq.ft. each as stated in the affidavit of Mr. Bharat Ramanlal Shah dated 3rd October 2018, during the course of the day.

B] The Respondent No.4 shall apply to the SRA for

grant of permission to remove the toilet blocks. The said application shall be made within a period of one week from today. On such application being made, Respondent No.3 – SRA would decide the same within a period of two weeks from receipt thereof.

C] On such permission being granted, the Respondent No.4 shall remove the said toilet blocks from the aforesaid premises within a period of two weeks from grant of permission.

D] The Petitioner shall vacate the premises presently in his possession and hand over vacant and peaceful possession to the Respondent No.4 as early as possible, in any case, within a period of one week from today.

E] Rule is made absolute in the aforesaid terms.

Balaji
Govindrao
Panchal

Digitally signed by
Balaji Govindrao
Panchal
Date: 2018.10.05
17:19:35 +0530

[M. S. KARNIK, J.]

[B. R. GAVAI, J.]