

pmw

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.688 OF 2018**

Mukund Vitthalrao Gadkari and Ors. ... Petitioners
Vs.
The Bombay Municipal Corporation and Ors. ... Respondents

Mr. Nitin Dalvi i/by Mr. V.R. Kolekar for the Petitioners.
Ms. K.H. Mastakar for the Respondent – BMC.
Mr. Milind More, Additional G.P. for Respondent – State.

**CORAM : A.S. OKA &
RIYAZ I. CHAGLA, JJ.**

DATE : 7th MARCH, 2018

P.C.

. **Not on board. Taken on board.**

1 Heard the learned counsel appearing for the petitioners, the learned counsel appearing for the first and second respondents and the learned AGP for the State. It is not in dispute that the structures in possession of the petitioners have been demolished for implementation of the directions issued by this Court in PIL No.140 of 2006 by which this Court directed demolition of the structures within the distance of 10 meters from the main pipeline supplying water to the City of Mumbai.

2 The issue is whether the petitioners are eligible for grant of alternate accommodation as per the scheme which was accepted while disposing of the said PIL.

3 There is no clarity whether cases of all the petitioners have been considered for eligibility for grant of alternate accommodation. If the petitioners are held to be ineligible they have a remedy of preferring an Appeal before the Committee constituted by the first respondent. Therefore, we dispose of the Petition by passing the following order :-

ORDER

- (i) In case of those petitioners where the issue of eligibility to grant alternate accommodation has been already decided, the first respondent shall issue a specific communication in that behalf along with a copy of the order, if any, to the concerned petitioners within a period of three weeks from today;
- (ii) If case for eligibility of some of the petitioners is not yet considered, the same shall be decided within a period of six weeks from today. The decision taken shall be communicated to the concerned petitioners within a period of two weeks from the date on which the decision is taken;

- (iii) The petitioners who are held to be ineligible will be entitled to prefer an Appeal before the Appellate Authority constituted by the Municipal Corporation. Considering the fact that the structures of the petitioners are already demolished, such Appeals shall be decided within a period of four months from the date on which the same are filed;
- (iv) The learned counsel appearing for the petitioners states that the Municipal Corporation is free to serve copies of the orders/ communications issued to the petitioners to the Advocate on record for the petitioners who will communicate the same to the concerned petitioners. We accept the said statement;
- (v) Issue of eligibility is kept open which will be decided on the basis of documents on record;
- (vi) The Petition is disposed of on above terms.

(RIYAZ I. CHAGLA, J)

(A.S. OKA, J)