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

WRIT PETITION (L) NO. 763 OF 2018

Rasheed Beig ...Petitioner
vs
Municipal Corporation of Gr. Mumbai & Anr. ...Respondents.

WITH
WRIT PETITION (L) NO. 755 OF 2018

S.R.Bangera ...Petitioner
vs
Municipal Corporation of Gr. Mumbai & Anr. ...Respondents.

WITH
WRIT PETITION (L) NO. 756 OF 2018

Virendra Singh ...Petitioner
vs
Municipal Corporation of Gr. Mumbai & Anr. ...Respondents.

WITH
WRIT PETITION (L) NO. 754 OF 2018

M.A.Beig ...Petitioner
vs
Municipal Corporation of Gr. Mumbai & Anr. ...Respondents.

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Mr Pradeeep Thorat a/w Ms Savina S. Bangera for the Petitioner in all Petitions.
Ms Vandana Mahadik for the Respondent/BMC.

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CORAM : A.S.OKA &
RIYAZ I. CHAGLA, JJ.
MARCH 14, 2018.

P.C. :

Not on board. Taken on board.

2 Heard the learned counsel for parties. The learned counsel for the Petitioners, on instructions, states that the Petitioners are not claiming the relief of reconstruction of their respective structures. However, their contention is that the case of the Petitioners for rehabilitation in terms of the policy guidelines dated 25th February, 2004, has not been considered. His submission is that the Municipal Officers appears to have erroneously proceeded on the footing that the structures were not in existence before the datum line. Learned counsel appearing for the Municipal Corporation opposes by contending that the case of the Petitioners for grant of benefits of rehabilitation has been considered and the Petitioners were held to be ineligible.

3 Perusal of the document annexed at Exh "H" in Writ Petition No.754 of 2018 shows that the Municipal Corporation

has proceeded on the footing that only those structures will be considered which were in existence before the year 1964.

4 Therefore, this is fit case where the Municipal Corporation should be directed to consider the case of the Petitioners for grant of benefits of rehabilitation. We, accordingly, pass the following order.

O R D E R

(i) We accept the statement of the learned counsel for the Petitioners in these Petitions that the Petitioners are confining their claim only to the rehabilitation in terms of policy guidelines dated 25th February, 2004;

(ii) We direct the Petitioners in these Petitions to appear before the Assistant Commissioner (M/E Ward) on 28th March, 2018 at 11.00 a.m. The Petitioners will be entitled to produce additional documents, if any;

(iii) The Assistant Commissioner, (M/E Ward) will consider the case of the Petitioners for rehabilitation in terms of the policy guidelines

dated 24th February, 2004 and shall pass the speaking order within a period of two months from 28th March, 2018. All contentions on merits are kept open;

(iv) The Writ Petitions are disposed of accordingly.

(RIYAZ I. CHAGLA J.) **(A.S.OKA, J.)**