

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

WRIT PETITION (L) NO. 984 OF 2018

Satyabhama Vitthal Vade & Anr.

...Petitioners

Vs.

Grievance Redressal Committee,
Mumbai Suburban, Old Custom House,
Mumbai & Ors.

...Respondents

Mr.Tushar Kochale for Petitioners.

Mr.Kedar Dighe, AGP for Respondent Nos.2, 3 and 6.

Mr.Chintamani Bhangoji with Abhishek Walwaikar for Respondent No.4.

CORAM : S.C. GUPTE, J.

DATE : 18 APRIL 2018

P.C. :

The Petitioners have carried out amendment to the petition as per the last order. Reverification is dispensed with.

2 This writ petition challenges an order passed by Grievance Redressal Committee in an appeal arising out of an eviction order passed by the Deputy Collector under Sections 33 and 38 of the Slum Act and the order passed by the Additional Collector dismissing appeals filed by the Petitioners. One of the main grievances of the Petitioners is that before the impugned order of eviction was passed by the Deputy Collector, an appeal was filed by the Petitioners herein for deciding their eligibility, if necessary, by making of an addendum to annexure 2. That appeal was pending before the competent authority when the impugned eviction order was passed.

3 After the matter is heard for some time, learned Counsel for

the Petitioners agrees to withdraw the writ petition with liberty to raise all contentions forming part of the subject matter of the present petition before the competent authority, namely, Deputy Collector, before whom his application for determining eligibility is pending. The structure occupied by the Petitioners has already been demolished. The petition is accordingly dismissed as withdrawn with liberty as prayed. The Deputy Collector is directed to decide the Petitioners' application for eligibility within a period of three months from today.

4 Learned Counsel for the Petitioners, on instructions of Petitioner No.2, who is present in court, undertakes to remove their belongings, which are kept on the site, within two weeks from today. The Respondents shall pay transit rent to the Petitioners in accordance with their entitlement under the present annexure 2. Respondent No.4 undertakes to the court to allot suitable permanent alternative accommodation to the Petitioners, in case they are held eligible by the Deputy Collector in the pending application.

5 It is needless to clarify that if the Petitioners are held eligible for a second structure, the applicable rent for interim transit accommodation shall be paid by Respondent No.4 for the additional structure as well.

6 All concerned to act on the authenticated copy of this order.

(S.C. GUPTE, J.)