

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 1572 OF 2018

Mrs. Savita Achut Bhuite

... Petitioner

vs.

Grievance Redressal Committee
Mumbai Suburbs & Ors.

... Respondents

Mr. Tushar Kochale for the Petitioner.

Mr. Kedar Dighe, AGP for Respondent No. 1, 2 and 4.

Mr. Vinay Bhanusali for Respondent No. 5.

Mr. Abhijit Kulkarni for Respondent No. 6.

Ms. Pooja Yadav for MCGM.

Mr. Bhoir Officer from SRA.

CORAM : A.K. MENON, J.

DATE : 23rd OCTOBER, 2018

P. C.

1. The controversy in this petition relates to a commercial structure referred to in Serial No. 212 of Annexure II from which the petitioner came to operate a flour mill. The premises forms part of a Slum Rehabilitation Scheme under 33(10) of Development Control Regulations(DCR). Respondent nos. 5 and 6 have been impleaded pursuant to directions of this Court.

2. According to the petitioner, the petitioner is entitled to alternate accommodation of the same area in the front portion of the proposed new development. According to respondent no. 5 this is impractical in view of the

scheme plan sanctioned by the SRA – respondent no. 6. Meanwhile it is not in dispute that the applicant is eligible person and is entitled to also receive rent in view of the transit premises. However there is a dispute as to the quantum of rent payable. On behalf of respondent no. 4 it is stated that for commercial premises a sum of Rs.10,000/- is being paid. This aspect shall also be open for the petitioner to negotiate with the Respondent no.4.

3. Mr. Kulkarni, learned counsel on behalf of respondent no. 6 submits that although plans are approved, the SRA will consider the petitioner's application for allotment of alternate accommodation after considering the convenience of all concerned and if the petitioner makes an application to that effect supported by necessary documents, application will be decided within a period of six weeks.

4. On behalf of respondent no. 4 it is stated that for commercial premises a sum of Rs.10,000/- is being paid. This aspect shall also be open for the petitioner to urge.

5. Accordingly, I pass the following order :

- (i) The petitioner shall make an application in writing to the respondent no. 6 on or before 31st October, 2018 setting out the reasons for seeking premises and suggesting alternatives in order to facilitate carrying on of the flour mill premises in the permanent alternate accommodation to be provided to the petitioner.

(ii) SRA shall decide the application after giving the petitioner a personal hearing and by passing reasoned order within a period of six weeks from filing of the application. It will be open to the SRA to suggest all the alternatives to the demand of the petitioner if it is not feasible to amend the plans.

(iii) Respondent no. 5 shall also be heard in the matter. Till the SRA passes an order and for a period of four weeks thereafter petitioner's possession will not be disturbed.

(iv) With these directions petition is disposed of.

(A.K. MENON, J.)