

Jsn

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

**WRIT PETITION (L) NO. 1916 OF 2016
WITH
NOTICE OF MOTION (L) NO. 16 OF 2018
AND
NOTICE OF MOTION (L) NO. 155 OF 2018**

Raju R. Chavan ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents

Mr. Yuvraj D. Patil, for the Applicant / Petitioner.
Ms. Uma Palsule – Desai, AGP for Respondent No.1.
Ms. Shital Mane, for Respondent – BMC.

**CORAM: A.S. OKA AND
RIYAZ I. CHAGLA, JJ.
DATED: 27TH APRIL 2018.**

PC:-

1. Rule. Heard the learned counsel appearing for the Petitioner. The learned counsel appearing for the Respondent Nos. 2 and 3 waives service. The learned AGP waives service for the Respondent No.1. Considering the controversy involved in the Petition, the same is forthwith taken up for final disposal.
2. The Petitioner was held ineligible for grant of alternate accommodation in lieu of a structure which was demolished for implementation of the orders passed in PIL No. 140 of 2006. Being aggrieved by order holding him as ineligible, the Petitioner

had preferred an Appeal which has been dismissed by the order dated 17th April, 2015.

3. Perusal of the impugned order shows that it is passed in a preconceived format and only some details are filled in by hand. There are no specific reasons recorded for discarding the documents filed in support of the claim for eligibility. Therefore, the impugned order cannot be sustained and the Appeal will have to be reheard.

4. Accordingly, we pass following order:-

a) The impugned order dated 17th April, 2015 is hereby quashed and set aside and Appeal preferred by the Petitioner is restored to the file of the Appellate Authority;

b) The Petitioner shall appear before Appellate Authority on 17th May, 2018 at 11.00 a.m. If any additional documents are required to be produced, the Petitioner can produce the same on the very day;

c) After considering the documents on record and after giving an opportunity to the Petitioner of being heard, the Appellate Authority shall pass a reasoned order as expeditiously as possible and in any event on or before expiry of three months from 17th May, 2018;

d) All contentions on merits are kept open;

e) Rule is made partly absolute on above terms. Pending Notices of Motion are also disposed of accordingly.

(RIYAZ I. CHAGLA J.)

(A.S. OKA, J)