

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION ((L) NO. 2671 OF 2017

Bharat Hiralal Mehta.

.. Petitioner.

v/s.

The Chief Executive Officer
M.B.R. & R. Board, Mhada & ors.

.. Respondents.

Mr. S.A. Sawant a/w. H.S. Kadam and Rutu Pawar I/b. A.P. Deshmukh,
advocate for petitioner.

Mr. Kamlesh Ghumre a/w. Sonal Jadhav, advocate for respondent Nos. 1
to 3.

Dr. Milind Sathey, Mr. H.N. Vakil, Mr. George Dass, Mr. Rushil Mathur I/b.
Mulla & Mulla & CB & C, advocate for respondent No. 4.

Mr. U.S. Upadhyay, AGP for State.

CORAM : RANJIT MORE &
SMT. SADHANA S. JADHAV, JJ.

DATE : APRIL 19, 2018.

P. C. :

1 Heard the learned Counsel for the respective parties.

2 Admittedly, the name of petitioner's father was shown as
occupant of room No. 13 in Hirji Govindji Chawl building No. 1.
However, one Barshan V. Shah was shown in possession of the said
premises.

3 Respondent No. 1 to 3 as well as respondent No. 4 do not

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dispute entitlement of the occupant of room No. 13 to get permanent alternative accommodation admeasuring 350 sq.ft free of cost on ownership basis. Respondent No. 4 is also ready and willing to give temporary alternative accommodation or in lieu thereof to pay to the said occupant monthly compensation of Rs. 15,000/-.

4 When the matter was heard on 12/4/2018, the learned Counsel for respondent Nos. 1 to 4 did not dispute that the present petitioner is the son of the occupant of room no. 13. However, they contended that the subject premises were in possession of one Barshan Shah. Mr. Sawant, learned Counsel for the Petitioner in this regard submitted that the name of petitioner's nephew is Darshan U. Shah. For a temporary period, he was staying in the said room No. 13 and therefore, he was shown in possession of the said room. However, typographical mistake was committed and instead of name Darshan Shah, name of Barshan Shah was written. We accordingly directed him to file affidavit, keeping him personally present on the next occasion.

5 Mr. Sawant today placed on record affidavit dated 19/4/2018 of Darshan Umedlal Shah. In paragraph-2 Darshan Shah has stated that the petitioner is lawful occupant of room No. 13, second floor, Building No. 1, Hirji Govindji Chawl, Tokarsi Jivraj Road, C.S. No. 161 of Parel Sewree, Mumbai 400015 and no other person including himself has any

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claim in respect of said room no. 13. In paragraph-3, he has stated that his name is wrongly mentioned as occupant of room No. 13 of the said chawl.

6 Darshan U. Shah is present before the court. His identity is established by Adhar card. On specific query, he submitted that he has gone through the affidavit and understood the contents thereof. He also stated that he has no objection if permanent alternative accommodation in lieu of room No. 13 in subject chawl is given to the petitioner. Statement accepted.

3 In the light of the above, Dr. Sathe, learned Counsel for respondent No. 4 on instructions makes a statement that permanent alternative accommodation of 350 sq. ft. would be given to the petitioner in rehabilitation building. He also stated that the MHADA has given possession of the subject chawl to respondent No. 4 on 28/9/2017 and therefore, with effect from October, 2017, monthly compensation of Rs. 15,000/- would be given to the petitioner, till he gets permanent alternative accommodation in rehab building, subject to petitioner giving indemnity bond. Mr. Sathe also submits that respondent No. 4 shall execute an agreement with the petitioner similar to the other occupants as expeditiously as possible in any case within a period of 4 weeks from today. Statement accepted. Mr. Sathe submits that construction of the

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rehab building would be completed expeditiously.

4 In the light of the above, Mr. Sawant, learned Counsel for the petitioner concedes that nothing survives for consideration in this petition. Hence, petition is disposed of.

[SMT. SADHANA S. JADHAV, J.]

[RANJIT MORE, J.]