

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.3134 OF 2017**

Ahrar Ahmed Mohd. Idris Shaikh and Mohd.
Abusad Nasir Khan and Anr.

..Petitioners

vs.

The State of Maharashtra and 2 Ors.

...Respondents

Mr.R.U. Singh for the Petitioners.
Ms.Pallavi Thakar for the Respondent-BMC.
Mr.U.S.Upadhyay, AGP for the Respondent-State.

**CORAM : A.S. OKA & P. N. DESHMUKH, JJ.
DATE : 23rd FEBRUARY, 2018**

P.C.:

. Mr. Singh, the learned counsel for the Petitioners on instructions of the Petitioner No.2, who is stated to be personally present in the Court states that the structures of the Petitioners which are the subject matter of this writ petition have been demolished in November 2017. He states that the Petitioners do not desire to take any proceedings for seeking relief of reconstruction of the demolished structures. He submitted that the claim of the Petitioners for grant of alternate accommodation has been decided by the Respondent No.3- the Assistant Municipal Commissioner of the Respondent No.2-Municipal Corporation by communication dated 31st October 2017 without recording any reasons. He submitted that the case of the Petitioners that their structures were in existence on 1st January 2000 has not been considered.

2. We have heard the learned counsel for the Respondent No.2 and 3. Perusal of the order dated 31st October 2017 shows that the Respondent No.3 completely misdirected himself by considering only one issue whether the structures were authorized. He has not considered the

case of the Petitioner for grant of alternate accommodation. Hence, we dispose of the Petition by passing the following order:

ORDER

- i) We direct the Petitioners to produce additional documents, if any, with the Respondent No.3 within a period of one month from today;
- ii) After considering the documents which are already produced by the Petitioners and after considering the additional documents, if any, the Respondent No.3 shall decide the claim of the Petitioners for grant of alternate accommodation within a period of 3 months from today. The said claim shall be decided by the Respondent No.3 without being influenced by the communication dated 31st October 2017;
- iii) All contentions of the Petitioners in respect of their claim for eligibility for allotment of alternate accommodation are kept open;
- iv) The petition is disposed of on the above terms.

(P.N. DESHMUKH, J)

(A.S. OKA, J.)