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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.3329 OF 2017**

Sunil Shridhar Poyrekar and Ors.	... Petitioners
Vs.	
The State of Maharashtra and Ors.	... Respondents

Mr. Nikhil Patil i/by Mr. P.M. Jadhav for the Petitioners.
Mr. U.S. Upadhyay, AGP for Respondent No.1.
Ms. Vandana Mahadik for the Respondent No.2 – BMC.
Mr. Vasant Shelke i/by Hariani & Co. for Respondent No.3.
Mr. A.P. Kulkarni for the Respondent No.4.

**CORAM : A.S. OKA &
P.N. DESHMUKH, JJ.**

DATE : 16th FEBRUARY, 2018

PC.

1 Today, the learned counsel appearing for the petitioners on instructions states that in fact all the petitioners have been held to be ineligible for grant of alternate accommodation and they have preferred Appeals on the issue of their eligibility which are pending with the Municipal Corporation. We accept the said statement made by the learned counsel appearing for the petitioners. We direct the Advocate for the petitioners to supply true photocopies of the Appeals preferred by the petitioners bearing acknowledgement of the Municipal Corporation to the Advocate for the Mumbai Municipal Corporation within a period of one week from today.

2 Considering the aforesaid statement that all the petitioners have preferred Appeals, unless they succeed in Appeals, it is not necessary to go into the question of allotment of alternate accommodation at Mahul. Therefore, this Petition need not be kept pending and can be disposed of as the Appeals preferred by the petitioners are still pending. If the statement of the learned counsel appearing for the petitioners that the Appeals preferred by all the petitioners are pending is found to be incorrect, we grant liberty to the Municipal Corporation to move this Court for recalling this order.

3 Accordingly, we dispose of the Petition by passing the following order :-

ORDER

- (i) The Appeals preferred by the petitioners on the issue of their eligibility for grant of alternate accommodation shall be decided by the Mumbai Municipal Corporation as expeditiously as possible and in any event within a period of four months from today;
- (ii) The decisions taken on the Appeals shall be communicated to the petitioners by the Municipal Corporation. If the petitioners are held to be eligible for grant of alternate accommodation, along with the decisions on Appeals, alternate accommodation shall be offered to the petitioners. Time of three weeks shall be granted to the petitioners to accept the alternate

accommodation from the date of service of the decisions in Appeals to the petitioners. For the said period of three weeks, the structures of the petitioners shall not be demolished;

(iii) In the event the Appeals are dismissed, the structures of the petitioners shall not be demolished for a period of three weeks from the date on which the orders passed on Appeals are communicated to the petitioners;

(iv) We clarify that till the date of communication of the decisions on the Appeals preferred by the petitioners to them, structures of the petitioners shall not be demolished;

(v) We make it clear that we have made no adjudication on the question whether the petitioners are eligible for grant of alternate accommodation. We also make it clear that we have made no adjudication on the question in what manner the petitioners shall be rehabilitated in the event they are found to be eligible;

(vi) The Petition is disposed of on above terms.

(PN. DESHMUKH, J)

(A.S. OKA, J)