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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.3340 OF 2017

Padma Vijay Velkar and Ors.	... Petitioners
Vs.	
The State of Maharashtra and Ors.	... Respondents

Mr. Nikhil Chavan i/by Mr. P.M. Jadhav for the Petitioners.
Mr. U.S. Upadhyay, AGP for the Respondent No.1.
Ms. Vandana Mahadik for the Respondent – BMC.

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

DATE : 16th FEBRUARY, 2018

PC.

1 The learned counsel appearing for the petitioners after taking instructions of the petitioners states that the statement of the petitioners recorded in order dated 29th November, 2017 is correct and in fact all the petitioners have been held as ineligible for grant of alternate accommodation. He states that the statement recorded in order dated 19th January, 2018 may be clarified. The order dated 19th January, 2018 stands accordingly clarified. He further states that the Appeals have been preferred to the Municipal Corporation by all the petitioners on the issue of eligibility and the said Appeals are pending. We accept the statement. In view of this statement, till the disposal of

the Appeals, the petitioners can not be evicted. Therefore, we propose to dispose of this Petition. In case the statement regarding pendency of Appeals is found to be incorrect, we grant liberty to the Municipal Corporation to move this Court for recall of the order. 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 subject structures of the petitioners shall not be demolished;

- (iii) In the event the Appeals are dismissed, the subject 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, the subject 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)