

pmw

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.3386 OF 2017**

Dharamveer Devaliya and Ors.	... Petitioners
Vs.	
Assistant Engineer, Assistant Municipal Commissioners Office, Mumbai and Ors.	... Respondents

Ms. Ronita Bhattacharya i/by Kranti L.C. for the Petitioners.
Mr. Sukanta Karmakar, AGP for the Respondent – State.
Mr. A.P. Kulkarni for Respondent No.5.

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

DATE : 25th JANUARY, 2018

PC.

1 Rule. The learned counsel appearing for the first to third respondents waive service. The learned counsel appearing for the fifth respondent waives service. The learned AGP waives service for the fourth, sixth and seventh respondents. There is no dispute between the parties that this Petition will be governed by the Judgment and Order passed in Writ Petition (L) No.3300 of 2017. Hence, for the reasons recorded therein, we dispose of the Petition by passing the following order :-

ORDER

- (i) We accept the statement made by the learned counsel appearing for the petitioners that all the petitioners have preferred Appeals in prescribed format to the third respondent – Municipal Corporation on the issue of eligibility;
- (ii) We direct the appropriate authority of the third respondent- Municipal Corporation to dispose of the said Appeals as expeditiously as possible and in any event within a period of three months from the date on which this order is uploaded;
- (iii) The decision taken on the Appeals shall be communicated to the petitioners. Till the date of communication of the orders passed in Appeals, the action of demolition of structures of the concerned Petitioners should not be taken. If the petitioners are held to be eligible for rehabilitation, along with the decision of the appellate authority, the Municipal Corporation shall communicate the petitioners about the manner in which they propose to rehabilitate the petitioners. In such event, action of demolition shall not be taken in respect of the subject structures of the petitioners

for a period of three weeks from the date of service of communication as aforesaid;

- (iv) If the Appeals are dismissed, action of demolition of the subject structure of the petitioners shall not be taken for a period of three weeks from the date on which the orders of the appellate authority are communicated to the respective petitioners;
- (v) We make it clear that if the petitioners are aggrieved by the manner in which they are sought to be rehabilitated or if the petitioners are aggrieved by adverse orders in Appeals, they will be free to file appropriate proceedings in accordance with law;
- (vi) Rule is made partly absolute on above terms.

(PN. DESHMUKH, J)

(A.S. OKA, J)