

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LDG.) NO. 3508 OF 2017

Mr.Prakash Shivram Lokhande. ... Petitioner.
V/s.
The State of Maharashtra and others. ... Respondents.

WITH
WRIT PETITION (LDG.) NO. 3532 OF 2017

Mrs.Anita Ramesh Shinde. ... Petitioner.
V/s.
The State of Maharashtra and others. ... Respondents.

WITH
WRIT PETITION (LDG.) NO. 3533 OF 2017

Mr.Ramesh Bhaskar Shinde. ... Petitioner.
V/s.
The State of Maharashtra and others. ... Respondents.

WITH
WRIT PETITION (LDG.) NO. 3534 OF 2017

Mrs.Kulsum Kadir Mahigir. Petitioner.
V/s.
The State of Maharashtra and others. ... Respondents.

Mr.Rohan Kadam with Ms.Bhakti Date i/b. India Law Alliance
for the petitioners.

Mr.Sukanta Karmakar, AGP for the State.

Ms.Sheetal Mone for the respondent- MMC.

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

DATE : 29th January 2018

P.C.:

Considering the narrow controversy involved in these petitions, the same are immediately taken up for final disposal.

2. The challenge in these petitions is to the notices issued by the Mumbai Municipal Corporation by which the petitioners were informed that their structures were coming within the distance of 10 meters from the Tansa Pipeline. The petitioners were informed that their case for rehabilitation was considered and they have been held to be ineligible. Against this, the petitioners have preferred appeals on the issue of eligibility. We may note here that even the impugned notices record that the petitioners have a remedy of filing appeal. The appeals are pending in all the four petitions. There is a categorical statement made on behalf of the petitioners, which is recorded in the earlier orders, that if the petitioners are held eligible for allotment of an alternate accommodation, they are willing to accept the same and vacate the structures.

3. The learned counsel appearing for the Municipal Corporation is unable to state the outer limit within which the appeals will be decided.

4. Hence, we dispose of these petitions by passing the following order:

(i) We direct the appropriate authority of the Mumbai Municipal Corporation to decide the appeals preferred by the

petitioners as expeditiously as possible and, in any event, within three months from today;

(ii) The decisions taken by the appellate authority shall be communicated to the petitioners;

(iii) Till the date of communication of the decisions, the structures of the petitioners shall not be demolished and the petitioners shall not be evicted on the basis of the impugned notices;

(iv) If the orders of the appellate authority be adverse to the petitioners, the aforesaid limited relief shall continue to operate for a further period of three weeks from the date on which the orders are communicated to the petitioners;

(v) In the event the appellate authority comes to the conclusion that the petitioners are eligible for rehabilitation, within a period of six weeks from the date the appellate authority communicates its decision to the petitioners, alternate accommodations shall be offered to the petitioners. Minimum time of two weeks shall be granted to the petitioners to shift to the said alternate accommodation offered by the Municipal Corporation;

(vi) We make it clear that we have not made any adjudication on the issue of entitlement of the petitioners to the alternate accommodations;

(vii) All the petitions are disposed of in the above terms.

(PN.DESHMUKH, J.)

(A.S.OKA, J.)