

VPH

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

WRIT PETITION (L) No. 3549 OF 2017

|                             |     |             |
|-----------------------------|-----|-------------|
| Javed Zaki Iraqui & Anr.    | ... | Petitioners |
| Vs.                         |     |             |
| State of Maharashtra & Ors. | ... | Respondents |

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Mr. Niyaz Ahmed, for the Petitioners.

Ms. Shital Mane, for the Respondent Nos. 4 & 6 – BMC.

Ms. Sukanta Karmakar, AGP for the Respondent – State.

Mr. Bharade Ritesh, Jr. Engineer (Maintenance), “L” Ward - present

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

DATE : FEBRUARY 23, 2018

PC :

1. Heard the learned counsel for the Petitioners and the learned counsel for the 4<sup>th</sup> & 6<sup>th</sup> Respondents. The learned counsel for the 4<sup>th</sup> & 6<sup>th</sup> Respondents states that the claim of eligibility made by the Petitioners for grant of an alternate accommodation is being examined and final decision will be taken within a period of 6 weeks from today. This statement is made by the learned counsel on the instructions of Mr. Ritesh Bharade, Jr. Engineer (Maintenance), “L”

Ward, who is personally present in the Court. Clause 1 of the order dated 19<sup>th</sup> December, 2017 reads thus:

“1 The learned counsel appearing for the petitioners states that if the petitioners are held as eligible in respect of the entire structures occupied by them, they are willing to accept the offer of the Municipal Corporation of rehabilitation. We accept the said statement. We direct the Municipal Corporation to immediately decide the issue of eligibility of the petitioners. Place the Petition on 19<sup>th</sup> January, 2018 high upon board. Till the next date, structures subject matter of this Petition occupied by the petitioners shall not be demolished.”

2. This statement has already been accepted. Hence, the writ petition need not be kept pending and is disposed of by passing the following order:

- (i) The concerned officer of the Municipal Corporation shall take a decision on the issue of eligibility of the Petitioners for grant of an alternate accommodation to the Petitioners within a period of six weeks from today;
- (ii) The said decision shall be communicated to be Petitioners within eight weeks from today;
- (iii) If the Petitioners are held to be eligible for the grant of alternate accommodation, a letter of allotment specifying all details of the accommodation shall be

forwarded to the Petitioners alongwith copy of the decision on the issue of eligibility;

- (iv) If the said decision is in favour of the Petitioners, ad-interim protection granted by an order on 15<sup>th</sup> December, 2017 will continue to operate for a period of three weeks from the date of communication of the said decision to the Petitioners to enable them to shift to the alternate accommodation;
- (v) If the said decision be adverse to the Petitioners, the ad-interim protection will continue to operate for a period of three weeks from the date of communication of the said decision to the Petitioners to enable them to challenge the said decision;
- (vi) We make it clear that we have not made an adjudication on the issue of eligibility of the Petitioners for grant of alternate accommodation. We also make it clear that we have not made adjudication on the issue in what manner the Petitioners should be rehabilitated;
- (vii) Writ petition is disposed of in the aforesaid terms.

Sd/-  
[P. N. DESHMUKH, J.]

Sd/-  
[A. S. OKA, J.]