

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

WRIT PETITION (LDG.) NO. 3670 OF 2017

Naffeesa Shabbier Malak. ... Petitioner.
V/s.
Municipal Corporation for Greater Mumbai. ... Respondent.

VT.Dubey for the petitioner.

Mr.H.C.Pimple for the respondent- MMC.

CORAM : A.S.OKA AND RIYAZ I. CHAGLA, JJ.

DATE : 8th March 2018.

P.C.:

The learned counsel appearing for the petitioner, on instruction, states that the petitioner wants to prosecute the petition.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent- Corporation. Admittedly, the structure subject matter of this petition has been demolished. However, our attention is invited to the communication styled as final order dated 19th December 2017 addressed to the petitioner by the Assistant Commissioner, L-Ward of the respondent Corporation who is also a Designated Officer. It records that the petitioner's structure was required to be demolished in terms of the directions issued by this Court in PIL

No.140/2006 as the same was situated within the distance of ten meters from the main water pipeline supplying water to the city of Mumbai. However, the said letter further records that as the structure was in existence prior to 1st January 2000, the structure was protected to the extent of area of 9.60 sq.meters. It also records that the entitlement of the petitioner for rehabilitation is to the extent of 9.60 sq.meters. The said letter gives three options to the petitioners. The first option is applicable where only part of the premises is demolished. As per the said option, the petitioner can have benefits of Kurar Pattern. The second option is of receiving monetary compensation and the third option is of receiving alternate accommodation as specified in the said final notice/order. As per clause (3) of the said letter, the petitioner is entitled to an area of either 9.60 sq.meters or 225 sq.ft whichever is lesser. The letter calls upon the petitioner to exercise one of the three options and submit a consent letter to the Assistant Commissioner, L-Ward.

3. The learned counsel appearing for the petitioner, on instruction, states that the petitioner is willing to accept the third option of providing an area specified therein. We accept the said statement.

4. Hence, we dispose of this petition by passing the following order:

(i) Within a period of four weeks from today, the petitioner shall submit necessary consent letter as provided in the final notice/order dated 19th December 2017 to the Assistant Commissioner, L-Ward;

(ii) Within a period of two months from the date on which the consent letter is submitted by the petitioner, the respondent- Corporation shall grant an alternate accommodation to the petitioner as provided in the said final notice/order dated 19th December 2017;

(iii) The petition is disposed of on the above terms.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)