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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.3706 OF 2017**

Yellubai Yallappa Gadge and Ors.	... Petitioners
Vs.	
Assistant Engineer, Assistant Municipal Commissioner's Office and Ors.	... Respondents

Ms. Ronita Bhattacharya i/by Kranti L.C. for the Petitioners.
Ms. Jyoti Chavan, AGP for the Respondent – State.
Ms. Awaris Ahmedji i/by Ms. Kejali Mastakar for Respondent – MCGM.

**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 waives service. The learned AGP waives service for first, sixth and seventh respondents. The learned counsel appearing for the fifth respondent waives service. There is no dispute that this Petition will be governed by order passed in Writ Petition (L) No.3300 of 2017.

2 Accordingly, for the reasons recorded in the judgment and order delivered in the said Writ Petition the Petition is disposed of by passing the following order :-

ORDER

1. We accept the statement made by the learned counsel appearing for the petitioners that all the petitioners have preferred Appeals in the prescribed format to the third respondent – Municipal Corporation on the issue of eligibility;
2. We direct the appropriate authority of the third respondent - Municipal Corporation to dispose of the said Appeals as expeditiously as possible and preferably within a period of three months from the date on which this order is uploaded;
3. The decision taken on the Appeals shall be communicated to the petitioners. If the petitioners are held to be eligible for rehabilitation, along with the decision of the appellate authority, the third respondent shall inform 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 of the decision in appeals;
4. 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 order of the appellate authority is communicated to the respective petitioners;

5. We make it clear that if the petitioners are aggrieved by the manner in 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;
6. Rule is made partly absolute on above terms.

(PN. DESHMUKH, J)

(A.S. OKA, J)